



អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា  
Extraordinary Chambers in the Courts of Cambodia  
Chambres Extraordinaires au sein des Tribunaux Cambodgiens

ព្រះរាជាណាចក្រកម្ពុជា  
ជាតិ សាសនា ព្រះមហាក្សត្រ

Kingdom of Cambodia  
Nation Religion King  
Royaume du Cambodge  
Nation Religion Roi

អង្គជំនុំជម្រះតុលាការកំពូល  
Supreme Court Chamber  
Chambre de la Cour suprême

**ឯកសារដើម**  
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TRANSCRIPT OF APPEAL PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/SC

2 July 2015

Before the Judges: KONG Srim, Presiding  
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Agnieszka KLONOWIECKA-MILART  
SOM Sereyvuth  
Chandra Nihal JAYASINGHE  
MONG Monichariya  
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I N D E X

Mr. SAO Van alias SAO Pok (SCW-4)

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**List of Speakers:**

Language used unless specified otherwise in the transcript

| Speaker                   | Language |
|---------------------------|----------|
| Ms. GUIRAUD               | French   |
| Mr. KLONOWIECKA-MILART    | English  |
| Mr. KONG Sam Onn          | Khmer    |
| The President (KONG Srim) | Khmer    |
| Mr. KOPPE                 | English  |
| Mr. KOUMJIAN              | English  |
| Judge MONG Monichariya    | Khmer    |
| Judge MWACHANDE-MUMBA     | English  |
| Mr. SAO Van (SCW-4)       | Khmer    |
| Ms. SONG Chorvoin         | Khmer    |
| Mr. VEN Pov               | Khmer    |
| Mr. VERCKEN               | French   |
| Judge YA Narin            | Khmer    |

1 PROCEEDINGS

2 (Court opens at 0859H)

3 MR. PRESIDENT:

4 Please be seated.

5 In the name of the United Nations and the Cambodian people, the  
6 SCC opens an appeal hearing of the Parties against the Judgement  
7 dated 7 August 2014, by the Trial Chamber of the ECCC in Case  
8 002, dated 19 September 2007, where Nuon Chea and Khieu Samphan  
9 are the co-Accused.

10 Today the composition of the Supreme Court Chamber is as follows:

11 I, the presiding Judge Kong Srim, Judge Agnieszka Milart, Judge  
12 Som Sereyvuth, Judge Florence Mumba, Judge Mong Monichariya,  
13 Judge Chandra Nihal Jayasinghe and Judge Ya Narin.

14 The greffiers are Mr. Volker Nerlich, Mr. Sea Mao, Ms. Sheila  
15 Paylan, Mr. Paolo Lobba and Mr. Phan Thoeun.

16 Greffier, are all the Parties present?

17 [09.01.50]

18 GREFFIER:

19 Mr. President, for today's proceedings, all Parties to this case  
20 are present. Both Accused: Nuon Chea and Khieu Samphan are  
21 present as well. We have participation of 10 civil parties,  
22 namely, Madam Yim Sovann, Madam Mom Sam Oeurn, Mr. Meas Saran,  
23 Madam Or Ry, Madam Toeng Sokha, Mr. Aun Phally, Madam Sang Rath,  
24 Madam Chan Socheat, Mr. Yin Roum Doul and Madam Po Dina. Thank  
25 you, Mr. President.

1 [09.03.28]

2 MR. PRESIDENT:

3 On 7 August 2014, the Trial Chamber issued a Judgement in Case  
4 002/01 finding Accused Khieu Samphan and Nuon Chea guilty of the  
5 crimes against humanity of extermination encompassing murder,  
6 persecution on political grounds, and other inhumane acts,  
7 comprising forced transfer, forced disappearances and attacks  
8 against human dignity committed within the territory of Cambodia  
9 between 17 April 1975 and the end of 1977. Therefore, the Trial  
10 Chamber convicted the two Accused and sentenced them to life  
11 imprisonment.

12 On 29 September 2014, Nuon Chea and Khieu Samphan filed their  
13 Notices of Appeal against the Trial Chamber's Judgement, with  
14 Nuon Chea raising 223 Grounds of Appeal and Khieu Samphan raising  
15 148 Grounds of Appeal and filing subsequent motions.

16 [09.05.05]

17 On 29 September 2014, the Co-Prosecutors also filed their Notice  
18 of Appeal.

19 Upon receipt of the two Accused's motions, the Supreme Court  
20 Chamber granted the motions in part, permitting Nuon Chea and  
21 Khieu Samphan to extend the page limit and time to file their  
22 appeal brief due to the scope and complexity of the Case.

23 The Supreme Court Chamber also permitted the Co-Prosecutors to  
24 extend the page limit and time to file the English language  
25 version of their consolidated response, which was filed on 24

1 April 2015, with the Khmer translation to follow.

2 On 29 December 2014, Nuon Chea and Khieu Samphan filed their  
3 appeal briefs in English and French. The appeal briefs request  
4 the Supreme Court Chamber, *inter alia*, to summon nine witnesses,  
5 including those who had been identified in the Accused first  
6 request and third request.

7 [09.06.28]

8 On 29 May 2015, the Supreme Court Chamber issued a decision to  
9 admit as evidence the written record of witness interview in  
10 accordance with Rule 108.7 of the Internal Rules and summons  
11 witnesses; namely, SCW-3, SCW-4 and SCW-5 to testify before the  
12 Supreme Court Chamber, *proprio motu*, in accordance with Rule  
13 104.1 of the Internal Rules. And the Chamber remains seized of  
14 Nuon Chea's request to summon other witnesses: Heng Samrin,  
15 Robert Lemkin, Ouk Bunchhoeun, Thet Sambath, and witnesses SCW-1  
16 and SCW-2.

17 The Chamber affirms that the hearings of the Parties' Appeal in  
18 Case 002/01 has commenced. Yet this hearing is specifically  
19 intended to examine the three witnesses requested in Nuon Chea's  
20 Appeal and their request to file additional evidence.

21 The Chamber has found that, first, in the interest of justice, it  
22 is necessary to hear witnesses SCW-3 and SCW-4 in accordance with  
23 Rule 104.1 of the Internal Rules; and second, the testimony of  
24 witness SCW-5, who was not available at Trial, could be a  
25 decisive factor in reaching a decision in accordance with Rule

4

1 108.7 of the Internal Rules. Given that this hearing is intended  
2 to hear only these three witnesses, the Parties are not expected  
3 to make oral arguments relating to the matters set out in the  
4 Appeals and hearings on the substance of the Appeal will later be  
5 scheduled in due course.

6 [09.09.05]

7 The Chamber recalls that the present procedures follow the  
8 jurisprudence of the ICTR-  
9 Yesterday, the Supreme Court Chamber decides on the objection of  
10 the use of documents as reference in putting questions to the  
11 witnesses. The questioning shall follow the guidelines set out by  
12 the SCC, and today the SCC will hear testimony of SCW-4 -- that  
13 is, Sao Van; and tomorrow, we will hear testimony of witness  
14 SCW-3; and on Monday, next week, we will hear testimony of SCW-5.  
15 I would now like to hand the floor to Judge Ya Narin and Judge  
16 Mumba to present the report.

17 [09.10.39]

18 JUDGE YA NARIN:

19 Co-rapporteur's report for hearings of the 2nd, 3rd and 6th July  
20 2015: As stated by the President, the principal purpose of our  
21 hearings is to hear the testimonies of witnesses SCW-4, 3 and 5  
22 respectively. Nuon Chea submits that their testimony could have a  
23 bearing on the correctness of the Trial Chamber's finding  
24 relating in particular to the command structure within the  
25 Communist Party of Kampuchea -- that is, CPK; the CPK policy to

1 target Khmer Republic soldiers and officials; and finally, the  
2 executions at Tuol Po Chrey. Accordingly, the scope of my report  
3 will be confined to those Grounds of Appeal that are directly  
4 related to those issues. This is not to suggest, however, that  
5 their testimonies could not eventually be considered relevant to  
6 other Grounds of Appeal as well. I shall first set out the  
7 Party's submissions regarding the command structure; I shall then  
8 handover to my co-rapporteur, Judge Mumba, who shall summarise  
9 the Party's submission regarding the other issues.

10 [09.12.07]

11 First, on the CPK command structure: The Trial Chamber found that  
12 control over the CPK was ultimately exercised by the Standing  
13 Committee, an extra statutory body composed of seven members,  
14 including Nuon Chea. Khieu Samphan was never a member of the  
15 Standing Committee, but he attended some meetings. The Trial  
16 Chamber affirms that the Party's Centre relied, inter alia, on  
17 the Zones -- that is, the administrative areas in which  
18 Democratic Kampuchea was divided, to implement its decision. The  
19 Trial Chamber also found that the Party's Centre designed and  
20 coordinated population movements, as well as policies regarding  
21 enemies.

22 The Trial Chamber held that decisions were made according to the  
23 so-called principles of democratic centralism; this meant on the  
24 other hand, that decisions within the Party were made  
25 collectively as opposed to individually; and on the other hand,



1 that decisions were taken centrally by the upper echelons of the  
2 Party.

3 [09.13.33]

4 Finally, the Trial Chamber made findings regarding the lines of  
5 communication within the CPK. In this regard, it determined that  
6 Zones and autonomous sectors reported directly to and received  
7 directions from the Party Centre. For example, messages from the  
8 Zones contains requests for instructions or material assistance  
9 from the Party Centre, while officials at the Zone level received  
10 letters from the Party Centre or individual CPK leaders,  
11 including Nuon Chea and Khieu Samphan.

12 In his Appeal, Nuon Chea submits that the Trial Chamber failed to  
13 substantiate its findings concerning the CPK cadres acting within  
14 a unified, rigidly, hierarchical and pyramidal entity.

15 He further asserts that the Trial Chamber unreasonably downplayed  
16 the authority of Zone leaders, who had independent  
17 decision-making powers and thus carried out actions that did not  
18 fall within the CPK's policies or directives. Nuon Chea adduced  
19 that the Trial Chamber mischaracterised evidence demonstrating  
20 that communication issued by the Party's Centre, including Nuon  
21 Chea, were rare and did not contemplate the commission of  
22 criminal acts.

23 [09.15.18]

24 Nuon Chea averred that the Trial Chamber ignored that Zone armies  
25 were in conflict which he argues is contrary to its

1 characterisation of the CPK as a unified party. Additionally, he  
2 submits that the Trial Chamber erred in refusing to hear  
3 witnesses who interacted with powerful officials in the  
4 administrative structure.

5 In his Appeal, Khieu Samphan submits that the Trial Chamber  
6 committed an error by misconstruing all of the evidence from  
7 which it can be inferred that he was not present at the meeting  
8 at which the decision to evacuate Phnom Penh might have taken  
9 place. He further argues that the Trial Chamber committed an  
10 error in stating that Khieu Samphan had decision-making powers  
11 within the Central Committee, even though he allegedly was merely  
12 a candidate member. Khieu Samphan contends that the Trial Chamber  
13 did not state which people were concerned each time it used the  
14 terms "Party Centre" and "Angkar " which led to wrongly conclude  
15 that Khieu Samphan was involved in the policies of DK.

16 [09.16.54]

17 Finally, Khieu Samphan submits that the Trial Chamber committed  
18 an error in its analysis of the command structure of the armed  
19 forces and their relationship with the Party Centre.

20 The Co-Prosecutors state in their response that the Trial Chamber  
21 reasonably assessed the role of the Zone leaders within the  
22 hierarchical structure of the CPK. They further aver that the  
23 Trial Chamber correctly characterised the evidence of  
24 instructions issued by the Party Centre, which were neither rare  
25 nor limited in scope and substance.

1 Finally, they argue that Khieu Samphan fails to show any error in  
2 the Trial Chamber's findings regarding the powers of the Central  
3 Committee, lines of communications, the military structure, the  
4 principles of democratic centralism and secrecy, and the import  
5 terms as "Party Centre" and "Angkar".

6 I shall now hand over to my co-rapporteur, Judge Mumba, who will  
7 set out the Party's submissions regarding the targeting of Khmer  
8 Republic soldiers and officials and the executions at Tuol Po  
9 Chrey.

10 [09.18.25]

11 JUDGE MWACHANDE-MUMBA:

12 The second part: Targeting Khmer Republic soldiers and officials.

13 The Trial Chamber held that the CPK was committed to a policy  
14 endorsed by its Party leaders to target former Khmer Republic  
15 soldiers and officials for arrests, disappearances and  
16 executions. This policy existed before on and after 17 April  
17 1975. The Trial Chamber also established that Khmer Rouge  
18 soldiers intended to kill Khmer Republic officials on a massive  
19 scale and as a result committed extermination and political  
20 persecution. The Trial Chamber found a clear pattern of mass  
21 executions, including the murders at Tuol Po Chrey.

22 In his Appeal, Nuon Chea submits that the Trial Chamber made  
23 factual errors in assessing evidence regarding the policy  
24 allegedly adopted by the CPK to target Khmer Republic soldiers  
25 and officials. Nuon Chea argues that no such policy or pattern

1 existed either, before, during or after April 1975. In support of  
2 his argument, he posits that the Trial Chamber failed to  
3 correctly assess the evidence. Notably the Trial Chamber, inter  
4 alia, made selective use of evidence, cited to unreliable  
5 sources, referenced insufficient evidence concerning feelings and  
6 mischaracterised exculpatory evidence. Nuon Chea therefore  
7 concludes that the Trial Chamber failed to consider alternative  
8 readings from the relevant evidence and accordingly committed an  
9 error in finding crimes at Tuol Po Chrey based on a joint  
10 criminal enterprise.

11 [09.20.08]

12 In his Appeal, Khieu Samphan submits that the Trial Chamber erred  
13 in finding that there was a policy of targeting Khmer Republic  
14 soldiers because it ignored the oppressive nature of the Lon Nol  
15 regime and the raging war in the background. He contends that for  
16 its finding that Khmer Republic soldiers were executed at Udong,  
17 the Trial Chamber should not have relied on Khieu Samphan's  
18 statement in a speech given in 1974 that 5,000 enemies had been  
19 eliminated as this was an exaggerated propagandist and unreliable  
20 source. In this regard, Khieu Samphan avers that the Trial  
21 Chamber erred by relying on poorly supporting evidence of mass  
22 executions citing to magazines without considering their context  
23 and drawing contradictory conclusions. Khieu Samphan finally  
24 asserts that the Trial Chamber manipulated the chronology of  
25 evidence by citing to sources dated after the end of armed

1 conflict.

2 [09.21.14]

3 The Co-Prosecutors respond that the Trial Chamber was reasonable  
4 in finding that there was a policy to target Khmer Republic  
5 soldiers and officials for arrests, disappearances and  
6 executions. They also maintained that this pattern was nationwide  
7 and large scale.

8 As for Nuon Chea's Appeal, the Co-Prosecutors argue that the  
9 Trial Chamber based its holding on the careful consideration of  
10 evidence as a whole and as part of a consistent pattern to target  
11 the soldiers. They also argue against the need to discuss every  
12 alternative interpretation that the evidence might suggest.

13 As to Khieu Samphan, the Co-Prosecutors states that he makes  
14 general and meritless assertions that failed to demonstrate the  
15 Trial Chamber's errors.

16 [09.22.00]

17 Third, Tuol Po Chrey: The Trial Chamber found that around 25th or  
18 26th April 1975, at least 250 former Khmer Republic soldiers and  
19 officials were transported to Tuol Po Chrey and then killed as  
20 part of a CPK policy to target former members of the Lon Nol  
21 regime for execution. The Trial Chamber established that  
22 executions occurred at Tuol Po Chrey principally based on  
23 evidence given by three witnesses, whom it believed to be  
24 credible. The Trial Chamber held that although none of the  
25 witnesses were present at the Tuol Po Chrey site, it had heard a

1 significant amount of evidence from which it could safely draw  
2 inferences.

3 In his Appeal, Nuon Chea submits that the Trial Chamber erred by  
4 failing to seriously scrutinise evidence from the only three  
5 witnesses that testified about Tuol Po Chrey. In particular, even  
6 though these witnesses were far removed from the events at issue  
7 and gave contradictory evidence, the Trial Chamber portrayed the  
8 evidence as coherent and reliable. Nuon Chea maintained that the  
9 Trial Chamber committed errors in finding that the alleged CPK  
10 policy to target former Khmer Republic officials involved the  
11 extermination of former Khmer Republic officials at Tuol Po  
12 Chrey. Nuon Chea finally contends that the Trial Chamber factual  
13 findings on superior responsibility merely replicated its  
14 findings on Nuon Chea's liability for commission through joint  
15 criminal enterprise which Nuon Chea has already submitted to be  
16 incorrect.

17 [09.23.38]

18 In his Appeal, Khieu Samphan posits that the Trial Chamber erred  
19 in holding that he had knowledge of the crimes at Tuol Po Chrey  
20 because it has not been established beyond reasonable doubt that  
21 he was aware of a pattern of targeting Khmer Republic soldiers  
22 and officials. He also argues that the Trial Chamber committed  
23 errors by basing some of its findings on facts outside the ECCC's  
24 temporal jurisdiction. He further contends that the Trial Chamber  
25 erred in law by varying the scope of the proceedings up to the

1 end of the Trial thereby preventing an effective defence since he  
2 had always considered Tuol Po Chrey from the standpoint of  
3 measures targeting specific groups not enemies. Khieu Samphan  
4 submits that the Trial Chamber committed an error in stating that  
5 a mere demonstration of the intention to participate in a common  
6 purpose is enough to establish the mens rea for executions at  
7 Tuol Po Chrey.

8 [09.24.46]

9 Finally, Khieu Samphan maintains that the Trial Chamber erred in  
10 finding that he knew crimes would be committed at Tuol Po Chrey  
11 but his presence at some meetings of the Khmer Rouge leadership  
12 had made a determining contribution to those crimes but his  
13 criminal responsibility could be inferred from his alleged  
14 participation in a joint criminal enterprise.

15 The Co-Prosecutors respond to the Trial Chamber's conclusions  
16 concerning the events at Tuol Po Chrey were reasonable and based  
17 on the totality of the evidence. They posit that the Trial  
18 Chamber reasonably relied on the testimonies of the three  
19 witnesses mentioned, which was corroborated by other evidence.  
20 The Co-Prosecutors further maintained that the Trial Chamber  
21 reasonably found that there was a policy to target former Khmer  
22 Republic soldiers and officials at Tuol Po Chrey. Finally, they  
23 assert that Khieu Samphan does not make reference to the  
24 knowledge or intent requirements and fails to demonstrate how any  
25 such error in that regard would invalidate the decision.

1 End of the report.

2 [09.26.09]

3 MR. PRESIDENT:

4 Court officer, please usher witness SCW-4 into the courtroom.

5 MR. KONG SAM ONN:

6 Mr. President, I would like to make my observation regarding the

7 proceedings. In fact the Khmer rendition is rather fast and it's

8 very difficult to make sense through the interpretation system.

9 So please, Mr. President, could you instruct all Parties and  
10 speakers to speak slower. Thank you.

11 MR. PRESIDENT:

12 Parties, please be advised, please slow down during your  
13 presentation. Thank you.

14 [09.28.23]

15 QUESTIONING BY THE PRESIDENT:

16 Q. Mr. Witness, you have been summoned by the Supreme Court

17 Chamber of the ECCC to testify before it and questions will be

18 put to you first by the Co-Accused defence teams and then

19 followed by other Parties. First of all, may we know your name?

20 THE KHMER INTERPRETER:

21 The interpreter cannot hear the witness.

22 BY THE PRESIDENT:

23 Mr. Witness, please observe the microphone and you should only

24 speak when you see the red light on the tip of the microphone,

25 otherwise your voice does not go through the interpretation



1 system.

2 Q. Let me start again, what is your name, Mr. Witness?

3 MR. SAO VAN:

4 A. My name is Sao Van.

5 Q. Do you have any alias?

6 A. I am also known by Sao Pok.

7 [09.30.00]

8 Q. When were you born?

9 A. I was born on 15 April 1941.

10 Q. What is your nationality?

11 A. I am Khmer

12 Q. What is your current occupation?

13 A. I am a rice farmer at present and I am also a member of the  
14 commune council of Cheang Tong.

15 Q. What is your father's name?

16 A. My father's name is Sao Mi, he passed away

17 Q. And what is your mother's name?

18 A. Her name is Sok Ken, she also passed away.

19 [09.31.33]

20 Q. What is your wife's name?

21 A. Nhoem Eun is my wife's name.

22 Q. Is she alive?

23 A. Yes, she is.

24 Q. How many children, how many sons and daughters?

25 A. I have nine children, five sons and four daughters.

1 Q. Where is your current address?

2 A. I live in Srae Khvav village, Cheang Tong commune, Tram Kak  
3 district, Takeo province.

4 Q. Mr. Witness, are you related to any of the two Accused or any  
5 of the civil parties?

6 A. No. I am not related to any of the Accused or the  
7 complainants.

8 Q. Have you taken an oath before your appearance?

9 A. Yes, I have.

10 [09.33.01]

11 Q. Mr. Witness, you have a right against self-incrimination, this  
12 means you may refuse to respond to any question or comment that  
13 may incriminate you, however, you must respond to all questions  
14 put to you and you must tell the truth based on what you heard,  
15 witnessed, remembered or experienced or observed directly in any  
16 -- to the event as part of the questions put to you.

17 And Mr. Witness, have you been interviewed or appeared before the  
18 ECCC?

19 A. Yes, I previously appeared before the ECCC.

20 Q. Was it during a trial or was it before the Co-Investigating  
21 Judges?

22 A. I appeared before the Co-Investigating Judges at the Trial  
23 Chamber.

24 MR. PRESIDENT:

25 The Chamber would like to hand the floor first to the co-counsel

1 for Nuon Chea to put questions to the witness and you may  
2 proceed, Counsel.

3 [09.34.52]

4 QUESTIONING BY MR. KOPPE:

5 Thank you, Mr. President. Good morning, Your Honours. Good  
6 morning, counsel.

7 Good morning, Mr. Witness, my name is Victor Koppe, I am the  
8 International Co-Counsel for Nuon Chea and I would like to ask  
9 you some questions this morning.

10 Q. You just answered a question from the President about your  
11 statement to investigators of the Co-Investigating Judge. Did you  
12 give that statement in February 2013?

13 MR. SAO VAN:

14 A. I gave an interview in 2013. I provided my answers to the  
15 Investigating Judges.

16 Q. And when you gave that interview, was that done at the commune  
17 hall of Cheang Tong?

18 A. Yes. I was interviewed at Cheang Tong commune office.

19 Q. Mr. Witness, did you also speak to the investigators of an  
20 organisation called DC-Cam?

21 A. Yes, I gave an interview to that investigator. The  
22 representative of that organisation went to my house and  
23 interviewed me. I do not recall when it was.

24 [09.37.10]

25 Q. May be I can assist you, Mr. Witness. Would it possible that

1 it was around April 2011?

2 MR. KOUMJIAN:

3 Good morning, Your Honours, counsel, and everyone present.

4 My understanding from the ruling that Your Honours gave last  
5 night is that the interview the counsel is now asking about and  
6 providing a date to the witness (inaudible) is one that we are  
7 not allowed to ask questions about. Your Honours in paragraph 4,  
8 I believe, of your decision indicated that this was excluded. So  
9 does that apply to all parties? I'm just bringing that to Your  
10 Honours attention.

11 MR. KOPPE:

12 Mr. President, if I may respond. Of course, I am well aware of  
13 your decision last night; I wasn't going to ask him anything on  
14 the content of his statement, merely confirmation that in fact he  
15 spoke to DC-Cam. I believe it's also mentioned in his WRI, but  
16 I'll be happy to move on quickly.

17 JUDGE KLONOWIECKA-MILART:

18 We would however ask the Parties not to ask leading questions as  
19 per our instructions. So if you could -- we understand that these  
20 are facts already put before the Chamber -- the prior interviews  
21 -- but just for the future reference if you could just ask when  
22 it was and where it was as opposed to putting the answer already,  
23 it would be more compliant with our directions. Thank you.

24 [09.38.53]

25 BY MR. KOPPE:

1 Thank you very much, Judge Milart. I will try to avoid leading  
2 questions also in non-contentious areas.

3 Q. Mr. Witness, did you speak to investigators of the  
4 Investigating Judges more recently?

5 MR. SAO VAN:

6 A. Yes, I have been interviewed last few months.

7 Q. And where were you interviewed, which location was it?

8 A. I would like to tell the Court that I gave an interview once  
9 at Cheang Tong commune office and I was once again interviewed  
10 last month at the commune office.

11 BY THE PRESIDENT:

12 Q. Mr. Witness, could you clarify for the Chamber where were you  
13 interviewed once again last month?

14 Please wait for the microphone to go on before you speak.

15 MR. SAO VAN:

16 A. I was interviewed last month at the Trial Chamber. I do not  
17 recall when it was.

18 [09.41.22]

19 BY MR. KOPPE:

20 Q. Do you know if it was a month ago, two months ago or three  
21 months ago, can you be little more specific?

22 MR. SAO VAN:

23 A. I do not recall it and as I stated I gave the interview  
24 already to the investigator and I believe that there is a written  
25 statement; perhaps, it is before you.

1 Q. Mr. Witness, do you remember whether they told you why they  
2 wanted to interview you again?

3 A. No.

4 [09.42.24]

5 Q. For the record, Mr. President, it seems that we're not in  
6 possession of any second written record of interview, but I'll  
7 move on with my questions.

8 Mr. Witness, can you tell us whether you have siblings?

9 A. I have brother and sisters. That's all

10 Q. Can you tell us how many brothers you have at this moment?

11 A. I have eight siblings: three brothers, five sisters, please be  
12 informed.

13 Q. Would you be so kind, Mr. Witness and tell us the names of  
14 your two brothers -- of your brothers?

15 A. I can tell you. My elder brother's name is Sao Chrun and my  
16 younger brother's name is Sao Chamreurn. Currently, Sao Chamreurn  
17 is living in Phnom Penh; and as for my elder brother, Sao Chrun,  
18 he is residing at Roka commune, Treang district, Takeo province.

19 [09.44.37]

20 Q. What are the present occupations or functions of your  
21 brothers?

22 A. My elder brother is living with his children; he has no  
23 occupation and it is the same case for my younger brother.

24 Q. And what is your present function, if any?

25 A. Currently, I am a rice farmer, and as I stated, I am a member

1 of Cheang Tong commune council in Takeo province.

2 Q. Of which political party are you the commune councillor?

3 A. I am member of Sam Rainsy Party and now the Sam Rainsy Party  
4 and Human Rights Party combined together and it became known as  
5 National Rescue Party.

6 Q. And how about a younger sister of yours, Sao Van, what can you  
7 tell us about her?

8 A. My younger sister, Sao Van, is living at Phnum Proek commune,  
9 Phnum Proek district, Battambang province. She is an owner of a  
10 vegetable farm.

11 [09.47.10]

12 Q. Thank you, Mr. Witness. I will return to all three of them a  
13 bit later, I would now like to ask you a questions in relation to  
14 the period 1970/1975.

15 Would you please describe your functions or positions within that  
16 period?

17 A. Concerning my background and activities from 1970 and 1975 and  
18 after the coup d'état in 1970, I was an ordinary rice farmer. On  
19 30th September 1971, Angkar assigned me to a position as the  
20 chief of Cheang Tong commune front and I was in that position  
21 during that time until 1975 when the war was over and later on  
22 Angkar sent me to live in Sector 25.

23 Q. Would you describe the functions of your role as the chief of  
24 the front of the Cheang Tong commune?

25 A. I can only tell what I have remembered. As the chief of the

1 Cheang Tong front, the front was collecting all the people who  
2 were loyal to the Party to join forces and fight against Lon Nol  
3 forces. From my recollection and my understanding, Angkar told us  
4 that we had to join together to fight against the imperialist  
5 America, which helped the Lon Nol regime to depose the late King  
6 Sihanouk.

7 [09.50.29]

8 Q. Thank you, Mr. Witness. Did you have other functions or  
9 positions in the period 1970/1975?

10 A. I had no other position other than being a chief of Cheang  
11 Tong front.

12 Q. Were you involved in the movement in another commune in Tram  
13 Kak district, Popel; did you have a function in Popel commune?

14 A. On the 1st January 1971, Angkar assigned me to be a member in  
15 the committee to gather people. I worked with my comrade, Kun  
16 (phonetic), and as I stated I was removed from Popel on 30th  
17 September 1971, and I was put in a position as a chief of Popel.

18 Q. When you were removed from your position in Popel, did you  
19 ever return to Popel to fulfil any function?

20 A. When I came to live and work in Popel, I was not chief of  
21 Popel; I was part of re-education committee of Popel commune and  
22 Kun (phonetic) was the one who had overall supervision of that  
23 commune.

24 [09.53.01]

25 Q. Mr. Witness, in my English translation I hear the word



1 "re-education committee", giving it back to you in English, would  
2 it be a better way to formulate it in terms of a mobilising  
3 committee or an education committee?

4 Maybe my question wasn't very clear. I'll move on, Mr. Witness.

5 Would you be so kind and tell us whether your two brothers -- Sao  
6 Sum and Sao Chamreurn -- and your sister, Sao Van, had any  
7 functions or positions between 1970 and 1975?

8 A. Regarding my younger sister, Sao Van, she then joined in the  
9 education committee of Popel and after the war ended in 1975,  
10 Angkar assigned her to Srae Ambel, from my recollection. And as  
11 for my younger brother, Sao Chamreurn, he had no function at that  
12 time; he was merely a rice farmer at Khvav village, Takeo  
13 province from 1970 to 1975.

14 [09.55.07]

15 Q. What about your older brother, Sao Sum, what was his, if any,  
16 function between 1970 and 1975?

17 A. Regarding my elder brother, Sao Chrun, from 1970 and 1975, his  
18 name was Sao Chrun, he was the deputy commune chief in Quarter 3  
19 in Phnom Penh. He was working for Lon Nol regime.

20 Q. What exactly did he do within the Lon Nol administration, what  
21 were his tasks?

22 A. In Lon Nol regime, as I stated, he was the third deputy chief  
23 in Quarter Number 6 in Phnom Penh City.

24 Q. And are you able to remember what tasks he had in this job of  
25 third assistant in the 6th commune, what did he do, do you

1 remember?

2 A. I have no idea.

3 Q. I will get back to your brother later, Mr. Witness. I will  
4 move on now to my next question and that is relating to the  
5 period as of 17 April 1975, the day of the liberation. Can you  
6 please tell us what your function was on the 17 April '75, and  
7 thereafter?

8 A. Your question is after to 1975 and afterwards. You wanted to  
9 know about my position. I was the secretary in Kampong Svay in  
10 Kandal province. That area was referred to as Sector 25.

11 [09.58.18]

12 Q. You're describing, Mr. Witness, another position in another  
13 sector. Do you recall when you became the commune chief of  
14 Kampong Svay commune in Kien Svay district?

15 A. I would like to confirm the question. You want to know about  
16 my position in the period; I do not really get your question.

17 Q. I will clarify, Mr. Witness. You told us that you were the  
18 chief of the front of Cheang Tong commune and that after 17 April  
19 '75, you then became the chief of commune in Kampong Svay  
20 commune, which is in Sector 25. Now, my question is: when did you  
21 get the latter position, which year, which month, do you recall?

22 A. I cannot recall it. Three months after the 17th April 1975,  
23 Sector 25 was considered to be in Southwest Zone and that time I  
24 was sent to Kien Svay district by Angkar. It was in 1976 that I  
25 held that position, and as I stated, I do not recall the exact

1 date.

2 [10.00.32]

3 Q. I understand, Mr. Witness, no problem.

4 Do you remember when you were still a chief of Cheang Tong  
5 commune in which district and sector and zone that commune was?

6 A. Cheang Tong commune was located in Tram Kak district and it  
7 was in District 105, Sector 13; it is currently known as Takeo  
8 province. At that time, this commune was in the Southwest Zone.

9 Q. Before you moved to another sector -- Sector 25 -- you were in  
10 District 105, do you recall any members of committee of District  
11 105? Do you recall anybody who was assigned to work in District  
12 105 in Tram Kak district?

13 A. In District 105, I only recall Yeay Khom, Ta Keav and Ta Nhev.  
14 Besides these three, there were others; however I was not sure of  
15 their positions. I also recall another name -- that is, Pech  
16 Chim.

17 [10.02.34]

18 Q. What do you recall about these people, Khom, and Boeun and  
19 Pech Chim, can you tell us?

20 A. Khom was Ta Mok's daughter who was chief of Tram Kak district  
21 -- that is, District 105; and Nhev was a member; Keav was also a  
22 member of District 105.

23 Q. And what about Pech Chim, what do you recall of him?

24 A. At that point in time, Pech Chim was a teacher; however, he  
25 was considered a petty bourgeois and for that reason he was not

1 given any particular role. He tried to adapt himself into the  
2 revolutionary movement in order to avoid being risked of being  
3 alleged of having involvement with the former Lon Nol and  
4 imperialist regime.

5 Q. When you were recently interviewed here at the Court, were you  
6 asked questions about Pech Chim?

7 A. Yes, I was. They asked me questions about Pech Chim and I  
8 responded that he was tasked to deal with economic issues and  
9 logistics within the communes under the district. For mass  
10 meetings, for example, he would gather rice, food from those  
11 communes to supply the battlefield and that was the limit of his  
12 role and I am certain of his role from my best recollection and  
13 from what I observed at the time.

14 [10.05.17]

15 Q. Thank you, Mr. Witness. Let me move on to the level above the  
16 District 105, that would be Sector 13. Do you recall any leading  
17 members of Sector 13, 1975/1976?

18 A. I didn't know who was in the position at the sector level  
19 between '75 to '76, since I had left already.

20 Q. Mr. President, with your leave maybe I can refresh the  
21 witness's memory.

22 Does the name Saom -- Meas Muth -- ring a bell?

23 A. I can recall that Saom and Meas Muth who were called at that  
24 time as Ta Saom, Ta Muth, and another one Ta Phen, the trio were  
25 in charge of Sector 13 at the time.

1 [10.06.45]

2 Q. Do you recall anything specific of Ta Saom or Ta Muth or Ta  
3 Phen?

4 A. Allow me to clarify your question, from my recollection and to  
5 the training that I received, the trio, namely, Saom, Muth and  
6 Phen, they conducted a yearly study session which I attended. He  
7 spoke about strengthening the stance of solidarity within the  
8 Party and the solidarity within and throughout the chain of  
9 command with the ultimate purpose to serve the people faithfully.  
10 They also reiterated the point of the circulation of directions  
11 from the upper echelon down to the base. Anyone who was  
12 instructed to implement those instructions had to implement them  
13 regardless of their knowledge or the limitation of their  
14 understanding of those circulars and you had to seek  
15 clarification later but first it had to be implemented and you  
16 had to abide by the majority -- to respect the majority and not  
17 the minority and you had to respect the chain of command -- that  
18 is, the lower level had to respect the upper echelon.

19 [10.08.50]

20 Q. Thank you, Mr. Witness. Now moving on to the Zone at that  
21 time, do you remember who the leader was of the Southwest Zone  
22 '75-'76?

23 A. I didn't have any detailed knowledge about the Zone structure,  
24 I only knew that Ta Mok was at the Zone level for the Southwest  
25 Zone, and besides Ta Mok, I didn't know anyone else who was at

1 the Zone level and I always adhered to my principle that I minded  
2 my own business and I never wanted to poke my finger into other  
3 people's affairs and as I just told you I only knew that Ta Mok  
4 was at the Zone level.

5 Q. Does the name Chou Chet ring a bell?

6 A. I recall that name but your question is specific -- that is,  
7 for the period between '75 to '76 and between that period, I  
8 didn't know anything about Chou Chet. Prior to that -- that is,  
9 around 1970 or '71, I knew about Chou Chet as he was with Ta Mok,  
10 and I attended a conference where he was there and monks were  
11 there and I was tasked to gather people to make offerings to the  
12 monks during that meeting, and that's how I came to know Chou  
13 Chet. I only knew him -- rather, I only saw him but I didn't have  
14 any personal contact with him at the time.

15 [10.11.07]

16 Q. Thank you, Mr. Witness. Before I would like to ask you some  
17 questions about Ta Mok and Ta Saom, I would now like to ask you  
18 about your brothers, your two brothers. What happened to your two  
19 brothers on the day of the liberation and thereafter; do you  
20 recall?

21 A. For my younger brother, Sao Chamreurn, I was not aware of any  
22 issues that he had as he was simply a peasant between 1970 to  
23 1975. However, Sao Sum alias Chrun, who was my elder brother,  
24 left Phnom Penh and he told my parents that when he left he was  
25 heading north to Kampong Throm province. Three months after while

1 he was en route, he arrived at our house and due to his previous  
2 position, he was called to attend an education session at Office  
3 24 in that area and that's the limit of my knowledge of his  
4 whereabouts and activities at that time.

5 Q. Do you know whether he was arrested and subsequently detained  
6 in Office 204?

7 A. Yes, I was aware of that at the time.

8 Q. Do you know how long he was detained in Office 204?

9 A. At that time he -- with his family went to Office 204, and by  
10 that time I had left to Sector 25 and I lost contact with him and  
11 his family.

12 [10.14.05]

13 Q. I might get back to him but because of time, I'm now moving,  
14 Mr. Witness, to Ta Mok. Do you recall every having attended  
15 meetings of cadres, of military, people of -- district people, to  
16 which Ta Mok and others attended? Have you ever been present at a  
17 meeting presided by Ta Mok?

18 A. Yes, I did. I attended a yearly conference at Sector 13 and Ta  
19 Mok participated in the meeting and he was present there for an  
20 hour. The main content of his speech was to remind the cadres,  
21 the soldiers and the peasants that we all had to hold our strong  
22 and firm solidarity and to produce more rice yields. On the issue  
23 of life of people and in our position -- in our leading positions  
24 at the commune or the district or the provincial level, we did  
25 not have the authority to decide the life and death of the people

1 and if anyone who violated this principle, means that individual  
2 had to dig a grave for himself.

3 [10.16.03]

4 In his speech he reiterated that within the Zone that the life  
5 issue was at the ultimate end of the Zone and the Centre. And  
6 allow me to add a little bit more, and in late 1976, during a  
7 meeting where all cadres within the entire Southwest Zone were  
8 called to attend in Takeo province -- I apologise, in fact, it  
9 was held in 1973, and Ta Mok, during the meeting, added that we  
10 had to carry two tasks simultaneously and he stressed that the  
11 Vietnamese and the imperialist held a negotiation to a ceasefire  
12 in Prey Nokor in order to gain time for the imperialist to gather  
13 their war weaponries including airplanes and fighter jets in  
14 order to be redeployed to bombard Cambodia, and Vietnamese took  
15 hostage of Cambodia to compel us to join them to fight against  
16 the imperialist. However, Ta Mok stressed at the time, that we  
17 had to know the imperialist and the communist both are aiming to  
18 attack us and that we had to strive hard to convince the people  
19 not to sell rice to the Vietnamese or to sell any poultry to the  
20 Vietnamese and if they were to ask to buy the poultry or rice,  
21 those peasants should tell them that now Vietnam enjoys peace so  
22 there was no need for them to seek purchase of rice or poultry  
23 from Cambodia. He continued to stress that both the communist and  
24 the imperialist were about to attack us and as an example he gave  
25 about the situation of the former Soviet Union who placed its



1 embassy within the Lon Nol regime; that's the main gist of his  
2 meeting at the time.

3 [10.19.10]

4 Q. Thank you, Mr. Witness. Do you recall whether Ta Mok at that  
5 meeting or other meetings before the liberation also spoke about  
6 soldiers of the Lon Nol republic, did he ever express an opinion  
7 as to the position of these soldiers or how he viewed them, do  
8 you recall anything that he ever said about the soldiers in the  
9 Lon Nol army?

10 A. No, he didn't mention anything regarding that. The content  
11 that he focused on was to mobilise forces in order to attack and  
12 liberate Phnom Penh and we all had known by then about the  
13 competing force between our force and the Lon Nol side and our  
14 ultimate aim was to attack and liberate Phnom Penh from the  
15 regime.

16 Q. Did he ever say what should happen to ranking officers of the  
17 former Lon Nol army before the liberation?

18 [10.20.49]

19 MR. KOUMJIAN:

20 Sorry, Mr. President. I apologise; may I express it? We believe  
21 this is a leading question. The witness can be asked what Ta Mok  
22 said, he was asked specifically what he said about Lon Nol  
23 soldiers, putting specific words to the witness suggests an  
24 answer, in our view.

25 MR. KOPPE:

1 I'm not sure if I follow--

2 MR. KOUMJIAN:

3 The answer was quite unambiguous that the witness remembers that  
4 Ta Mok said nothing else.

5 BY MR. KOPPE:

6 Mr. President. I'm not sure if I follow the objection but I'll  
7 try to rephrase.

8 Q. Mr. Witness, do you remember whether Ta Mok ever said anything  
9 before the liberation of 1975 about what should happen to  
10 soldiers of the Lon Nol army with a rank?

11 [10.21.51]

12 MR. SAO VAN:

13 A. Before the liberation, he didn't say anything to that effect.  
14 However, three months after the liberation, Ta Saom invited  
15 concerned cadres within Sector 13 and he advised or informed the  
16 cadres that the former soldiers up to the rank of colonel should  
17 not be harmed because those soldiers, as an entity, at least had  
18 their family members who lived in the liberated zone and who  
19 contributed to the liberation of the country and who actually  
20 joined with us in the liberation. So for that reason, they should  
21 not be harmed.

22 Q. Let me go to that meeting, Mr. Witness. Do you recall where  
23 this meeting was when Ta Saom -- Ta Mok said this? I will. Ta  
24 Saom. Do you recall where this meeting was when Ta Saom spoke  
25 about this?

1 A. At that time, Ta Mok was absent and Ta Saom invited cadres to  
2 attend a meeting at Kulen Mountain at District 106, which is  
3 Angkor Chey district currently.

4 [10.24.07]

5 Q. What else do you recall about this meeting, can you recall who  
6 else was present, how many people were present, what do you  
7 recall?

8 A. I cannot recall everyone who attended the meeting, however,  
9 participants included soldiers, commune cadres and office  
10 committees, though I cannot recall their names and they came from  
11 various districts within the sector.

12 Q. And do you recall when you were at that meeting, what the  
13 political line was in terms of what to do with the officers or  
14 soldiers from the Lon Nol army, what was, in your recollection,  
15 the political line in your district as to what to do with Lon Nol  
16 officers or soldiers?

17 A. On the issue of the lines, I actually mentioned something to  
18 that effect in theory about the lines and if you want to refer to  
19 the lines that were taught to us -- that is, the minority had to  
20 respect the majority, the lower echelon had to respect the upper  
21 echelon and for the Party's structure, three-member sub-branch --  
22 sub-branches formed a Party's branch.

23 [10.26.36]

24 And for the implementation of the circulars or instructions from  
25 the upper echelon, those instructions had to be implemented first

1 even if you did not fully understand it and you might seek  
2 clarification later -- that is, after its implementation.

3 Q. Thank you, Mr. Witness. But I'm asking you specifically as to,  
4 if you recall, the political line around the liberation in '75  
5 and thereafter in respect of the fate of Lon Nol soldiers or  
6 officers. What do you remember was the fate supposed to be of  
7 these military? Were they to be killed or were they to be spared,  
8 do you recall?

9 A. I remember clearly that from the foot soldier up to the rank  
10 of colonel, those military personnel or soldiers should not be  
11 harmed. That is my recollection.

12 [10.28.08]

13 Q. What do you mean by "should not be harmed"?

14 A. Allow me to respond to that question. Because by that time, I  
15 was very happy to hear that as we gained victory for all the  
16 Cambodian people. I was happy and jubilant for all the former  
17 officials and that soldiers from the foot soldiers to the rank of  
18 colonel should not be harmed. I did not have any clear stance on  
19 the issue of the former officials or the military personnel but I  
20 was jubilant to hear the news or instructions.

21 Q. So is my understanding correct that around the time of the  
22 liberation, 17 April '75, the policy was, the political line was  
23 not to harm the military up until the rank of colonel, meaning  
24 that they should not be killed or executed; is that correct?

25 [10.29.41]

1 MS. SONG CHORVOIN:

2 Mr. President, the line of questioning on the issue of Party  
3 lines as put by the Co-Defence Counsel to the witness was in  
4 relation to a meeting which was convened at Trae Phnom Mountain;  
5 however, it seems that the counsel tries to summarise about the  
6 Party lines throughout the regime and not the Party lines  
7 mentioned during that meeting, so please I would like  
8 clarification.

9 MR PRESIDENT:

10 Counsel, your question is leading so please rephrase it. Thank  
11 you.

12 BY MR. KOPPE:

13 I'm not sure I understand your decision.

14 Q. Mr. Witness, let me try and rephrase. You spoke about the  
15 meetings before '75 the liberation and after. Was it your  
16 understanding at the time that former Lon Nol soldiers and  
17 officials up until the rank of colonel were not to be harmed,  
18 were not to be killed, were not to be executed; is that correct?

19 [10.30.55]

20 MR. KOUMJIAN:

21 It's the same objection; the witness could be asked what was the  
22 line of the Party was and he gave his answer and now the counsel  
23 is re-stating it.

24 JUDGE KLONOWIECKA-MILART:

25 Indeed, we feel that you're summarising and objecting to this

1 summary takes as much time as the summary itself. We, I think,  
2 are capable of making inferences of the questions and answers so  
3 far, so if we could move on. We understand that the witness  
4 answered about pre-liberation and after liberation, but we  
5 understood that it was still around 1975, if this understanding  
6 is incorrect, please pursue further, if not, we can move on.

7 BY MR. KOPPE:

8 Thank you, Judge Milart. I will move on.

9 Q. Mr. Witness, you spoke about a meeting where these issues were  
10 discussed at Phnom Trae mountain if I recollect correctly, do you  
11 also know about a meeting in which similar issues were discussed  
12 which was held somewhere else more specifically in Takeo  
13 provincial town?

14 [10.32.35]

15 MS. GUIRAUD:

16 Thank you, Mr. President. I do feel that this is a little bit of  
17 a leading question; the answer is within the question. I believe  
18 that our colleague should put this question again in a more  
19 neutral fashion. Thank you.

20 BY MR. KOPPE:

21 Mr. President, of course I would do so but I'm looking at the  
22 clock and I have, I think, five more minutes, so -- but let me  
23 rephrase.

24 Q. Mr. Witness, do you recall any meeting where similar issues  
25 were discussed anywhere else than at Phnom Trae mountain?

1 MR. SAO VAN:

2 A. I do not really get your question. What do you want me to  
3 clarify?

4 [10.33.43]

5 Q. You spoke about a meeting where the fate of former Lon Nol  
6 military was discussed: Phnom Trae Mountain. Do you recall also  
7 other meetings where the similar issue was discussed, anywhere  
8 else in your district or in your zone?

9 A. Let me clarify. I am now referring to cadre at commune and  
10 district levels after they received instructions, and after the  
11 meeting they had to relay the instruction to their colleagues at  
12 the commune and district levels and they had to discipline and  
13 educate their members at commune and district levels. And they  
14 had to instruct them that not to intimidate people at the commune  
15 and district level and everyone had to mobilise food supplies.  
16 These were the activities that we did at that time and as I  
17 stated instruction would be relayed to members of the commune and  
18 district levels.

19 [10.35.34]

20 Q. Maybe my question wasn't clear, Mr. Witness. My question was:  
21 Do you recall other meetings anywhere in 1975 during which it was  
22 discussed that soldiers up until the rank of colonel should not  
23 be harmed or killed any other meetings, other than the one that  
24 you just described?

25 A. No.

1 Q. Mr. President, I have now, I think, reached a moment that I  
2 should be able to confront the witness with a meeting described  
3 by another witness, Pech Chim, meeting in Takeo provincial town.  
4 So with your leave, I would like to confront the witness with a  
5 meeting that Pech Chim described.

6 Mr. Witness, do you recall a meeting in Takeo provincial town in  
7 a building behind the Party office, north part of town, Takeo  
8 town, along the river where such same orders were issued?

9 A. I had left from district -- Sector 13 and came to live in  
10 Sector 25. I attended a meeting at Phsar Chas (phonetic). There  
11 were no inhabitants at that time and I was there. I knew that  
12 there was a livelihood meeting at that time to strengthen the  
13 stance to make a good harvest.

14 [10.37.53]

15 Q. Let me remind you of your own earlier statement, Mr. Witness;  
16 and I'm referring, Mr. President, to document E127/7.1.8 more  
17 specifically English, ERN 00901570; Khmer, 00893277; and French,  
18 00978649. Let me read question A9 and answer -- let me read that  
19 to you, Mr. Witness, and that may recall -- that may jog your  
20 memory. You said the following -- the question is:

21 "When did Grandfather Mok make this --"

22 MR. PRESIDENT:

23 Please pause for one minute to allow the technician to change the  
24 DVD.

25 (Short pause)



1 [10.39.14]

2 MR. KOPPE:

3 Mr. President, my client would like to go downstairs to lie down,  
4 if that's alright with you.

5 MR. PRESIDENT:

6 Mr. Arun, I think there is a medical report; is that correct.

7 MR. PRESIDENT:

8 Regarding the request by the Accused Nuon Chea, I have heard that  
9 the request to allow him to go and observe the proceeding in the  
10 room downstairs. I observe that there is a medical report of Dr.  
11 Chhea Kuntheavy and the report states that due to his health --  
12 that is, back pain, he cannot sit for long, the Supreme Court  
13 Chamber grants the request, allowing him to follow the  
14 proceedings from a room downstairs.

15 Security personnel are instructed to bring Mr. Nuon Chea to the  
16 room downstairs and AV technician are instructed to link  
17 audio-visual system so that Nuon Chea can follow remotely.

18 (Short pause)

19 [10.42.07]

20 MR. PRESIDENT:

21 Counsel for Mr. Nuon Chea, you may now resume your line of  
22 questioning. It appears that you ran out of time allocated to you  
23 but because of the time that we used to change the DVD, you may  
24 have some more minutes.

25 BY MR. KOPPE:

1 Thank you, Mr. President.

2 Q. I was about to read to you an excerpt from your own statement,  
3 Mr. Witness. The question was:

4 "When did Grandfather Mok make this announcement?"

5 And then you answered in A9: "Grandfather Mok made this  
6 announcement prior to 1975 during a wrap up meeting held annually  
7 in the forest participated by the commune, district, and  
8 provincial committees and the regiments. After 1975, there was  
9 another meeting in the provincial town of Takeo in the presence  
10 of Grandfather Mok and Saom, who was in Sector 13 committee,  
11 announced that soldiers with the ranks from second lieutenant to  
12 colonels were not to be harmed."

13 Now my question is: Do you recall saying this and if yes, does  
14 this jog your memory?

15 [10.43.28]

16 A. Yes, I could recall it. It took place -- the meeting took  
17 place in Takeo province. A while ago I heard a question from you  
18 asking about Ta Chim. As for Ta Saom and Ta Muth, they were in  
19 Takeo province and I was there in the meeting.

20 Q. But my question is: Do you now recall that you attended two  
21 different meetings, one at Phnom Trae Mountain and one at Takeo  
22 provincial town during which the issue of the fate of the Lon Nol  
23 military was discussed? So is it correct that in two meetings you  
24 were instructed -- or people were instructed not to harm military  
25 soldiers up until the rank of colonel; is that correct?

1 A. That is correct. Your two points summarised are correct.

2 [10.44.50]

3 MR. KOPPE:

4 Mr. President, I think I have run out of time unfortunately.

5 MR. PRESIDENT:

6 Based on the schedule, it's now time for a short break and the  
7 Chamber will take a break now until 11.00 a.m. after which we  
8 will resume the hearing.

9 The Court is now in recess.

10 (Court recesses from 1045H to 1103H)

11 MR. PRESIDENT:

12 Please be seated. The Court is now back in session.

13 The Judges held a deliberation during the break time and we  
14 deemed that the defence counsels have more questions to be put to  
15 the witness. However, the time ran out -- that is, the assigned  
16 time. And the Chamber may ask a question to the defence counsel  
17 for Nuon Chea: if you need an additional 10 more minutes, the  
18 Chamber can grant it to you. Please inform the Chamber, thank  
19 you.

20 BY MR. KOPPE:

21 Thank you very much, Mr. President. Yes, we would very much  
22 appreciate having another 10 minutes with the witness, thank you.

23 Q. Mr. Witness, before the break we spoke about two different  
24 meetings. I would like to focus now, in my last 10 minutes asking  
25 you questions on that second -- on that other meeting in Takeo

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1 provincial town. Can you recall details as to the building in  
2 which this meeting was held, for instance, or the location in  
3 Takeo provincial town. Do you recall any details?

4 [11.04.57]

5 MR. SAO VAN:

6 A. During the meeting held in Takeo province, it was held to the  
7 west of the Phsar Chas (phonetic), or old market, and all cadres  
8 and military personnel within the Southwest Zone attended the  
9 meeting. The process (sic) of the meeting was that we focus on  
10 the internal solidarity within the Party; second, to strengthen  
11 and to expand the cooperatives in order to gain more rice yields  
12 for self-sustainability; and the third point, as Ta Mok  
13 indicated, was that we might have a confrontation with the  
14 Vietnamese on the issue of Nam Kok (phonetic) territory, and for  
15 that reason we needed to be producing more rice yields -- that  
16 is, three tonnes of rice yield per hectare, so that Cambodian  
17 people would be well fed. And for that reason, no neighbouring  
18 country could attack us. These are the three main points that I  
19 recall. And there was no specific mention regarding the military  
20 affairs during the meeting. And then we -- the meeting was  
21 dissolved after three days. In fact, the meeting was held for the  
22 first day, and for the subsequent days, it was kind of a  
23 self-evaluation process.

24 [11.07.04]

25 Q. Do you recall anybody who was present at that meeting in Takeo

1 provincial town? Do you remember anybody specific at this  
2 meeting?

3 A. Yes, I recall Ta Soam, the sector committee, who also made a  
4 presentation, and Ta Bit, who was in charge of the military  
5 affairs, also participated in the meeting. And besides the two,  
6 there were district committees. And in fact, at that time, I was  
7 in Sector 25, and since no one could attend the meeting from  
8 Sector 25, except the commune committee, so I attended the  
9 meeting. So again, I can recall clearly there were Ta Saom and Ta  
10 Bit at the meeting.

11 Q. And talking about what was being said at this meeting, and the  
12 other meeting as well, in relation to what should happen to  
13 former Lon Nol military, is it your recollection, or do you  
14 recall that the instructions relating to this matter was clear to  
15 everybody? Did everybody at that meeting understand what the  
16 policy was? Is that somehow -- is that your recollection? Did you  
17 talk to people about this?

18 [11.08.57]

19 MR. KOUMJIAN:

20 Your Honour, first of all, counsel's leading and suggesting  
21 answer to the witness. Secondly, he's calling for the witness to  
22 speculate as to what is in the minds of other people.

23 MR. KOPPE:

24 In relation to the last objection, that's why I was asking, Mr.  
25 President, the witness whether he recalls talking to other

1 members who were present, and hearing things as to their  
2 understanding of -- about the instructions. So if I formulated it  
3 in such a way, I think I'm able to ask this question -- I should  
4 be able to ask this question. But I will rephrase to make sure  
5 that it is not speculation that I'm after.

6 [11.09.45]

7 BY MR. KOPPE:

8 Q. Mr. Witness, do you recall speaking to other participants  
9 about the instructions in relation to former military? Do you  
10 recall speaking about the instructions, in the sense whether they  
11 were clear, yes or no?

12 MR. SAO VAN:

13 A. I can recall that I was jubilant upon hearing that foot  
14 soldiers up to the rank of colonel should not be harmed. And you  
15 asked me what can I -- what I can remember during the meeting,  
16 and I can tell you that throughout the war time, even before the  
17 entire country had been liberated, Khieu Samphan made a radio  
18 broadcast that foot soldiers, ranked soldiers, and officials,  
19 bourgeoisies, students and compatriots, as well as the  
20 participants in the liberation front, they would be pardoned. And  
21 the front would adjudicate and prosecute only seven people,  
22 namely, Lon Nol, Sirik Matak, In Tam, Sosthene Fernandez, Long  
23 Boret, Cheng Heng, and Son Ngoc Thanh. This is what I can recall.

24 [11.11.38]

25 Q. And do you remember whether you being jubilant when you heard

1 these instructions, this was also because you had a brother  
2 working for the -- in the Lon Nol republic?

3 MR. KOUMJIAN:

4 Objection to counsel telling the witness what to say.

5 MR. KOPPE:

6 I agree it's a bit leading, Mr. President. But I'm asking the  
7 witness about an emotion, and I would argue that at this stage of  
8 my questioning, and because it's about a specific emotion, that I  
9 would be entitled to lead the witness a bit, as it goes to his  
10 brother. Otherwise, I'll be asking forever about his emotions.  
11 But I can reformulate it, and formulate it more neutral, if you  
12 will.

13 BY MR. KOPPE:

14 Q. Mr. Witness, do you recall you being jubilant -- had any  
15 personal reasons for you?

16 [11.13.05]

17 MR. SAO VAN:

18 A. Regarding my personal matters, I acknowledge my elder brother,  
19 Chrun, served in the Lon Nol administration, as he was positioned  
20 as a third assistant in a commune. Upon his return, he was sent  
21 for re-education at Office 204, and that was the typical process  
22 based on my objective assessment. Of course, when you walk under  
23 the rain, you tend to get wet. And that's what happened to him.  
24 So I did not feel offended for that matter. And I actually  
25 advised him to adapt himself, to temper himself, based on the

45

1 democratic principle, as 85 to 90 per cent of the Cambodian  
2 people engaged in rice farming at that moment in time. And you  
3 had to implement, to adapt your life to peasantry, as people  
4 would be living in cooperatives. And I told him so, and I was  
5 rather contented by the fact that I was allowed to give such  
6 advice to my elder brother.

7 MR. KOPPE:

8 Thank you very much, Mr. Witness. Mr. President, I do appreciate  
9 the extra time that you have given to us. Thank you very much.

10 MR. PRESIDENT:

11 The floor is now given to the Co-Counsel for the Accused Khieu  
12 Samphan, to put questions to the witness. And you may proceed,  
13 Counsel.

14 [11.15.07]

15 QUESTIONING BY MR. VERCKEN:

16 Thank you, Mr. President. Good morning to everyone here present.  
17 Good morning, Witness. My name is Arthur Vercken, and I'm one of  
18 Khieu Samphan's counsels. And I have a half an hour to put a few  
19 questions to you.

20 Q. First of all, I would like to ask you at which date the region  
21 where you were had been liberated by the Revolutionary Army?

22 MR. SAO VAN:

23 A. The area was liberated on 17 April 1975. Here, I refer to  
24 Sector 13.

25 [11.16.03]



1 Q. And when you were, for example, the chief of Cheang Tong  
2 commune in 1971, were you in the liberated zone, or were you in  
3 the zone under Lon Nol?

4 A. In 1971, Cheang Tong commune was part of the liberated zone,  
5 or liberated area.

6 Q. And when was this zone or area liberated? Do you remember?

7 A. After the coup d'état, there were 26 villages in the commune,  
8 and the -- actually, there was an administrative structure  
9 organized for each village by that time. And after 18 March, up  
10 to 1975, the area had been under the administration as part of  
11 the liberated zone.

12 Q. In French I heard 18 March 1975. Is that the date you are  
13 referring to? Or are you referring to the coup d'état of 18  
14 March? Is that correct?

15 A. 18 March 1970 is the date that I referred to.

16 [11.18.50]

17 Q. I'm sorry, because I'm listening to the French, and of course  
18 I rely on the French translation. I heard you say something, but  
19 I didn't hear what you added. It's not very serious. Let me move  
20 on to the next question.

21 I would like to ask you if, personally speaking, you lived  
22 through the American bombings where you were staying?

23 A. We were under heavy bombardment by the United States. However,  
24 the scars from the aerial bombardment later turned into deep pits  
25 and ponds. People in the entire commune of Cheang Tong suffered

1 from the aerial bombardments, as their houses caught fire, their  
2 cattle were destroyed, and some lives were lost.

3 Q. Can we say on the basis of your observations, that these  
4 bombing campaigns had an influence on people joining the  
5 revolutionary movement?

6 A. Your question is on the spot. It's right on the spot, and that  
7 led to an active movement of the population.

8 [11.21.10]

9 Q. So, a movement of support; is that what you're speaking about,  
10 a movement of people supporting the Revolution?

11 A. And at that time -- and it is my understanding -- I did not  
12 know at all, first of all, about what a revolution was. After Lon  
13 Nol conducted a coup to topple King Sihanouk, a movement was  
14 formed led by Sihanouk, and all the people participated in that  
15 movement in order to liberate the country, and the territory.

16 [11.22.10]

17 Q. Earlier, when you were answering the questions that were put  
18 to you by the Nuon Chea counsel regarding the treatment meted out  
19 to the former civil servants and the former servicemen of the Lon  
20 Nol regime, you insisted on the speech that had -- that was given  
21 by my client, Khieu Samphan, which is also known as the speech of  
22 the dirty traitors. And the speech was broadcast, as you said,  
23 during the war before 1975. That is the first step. And then you  
24 spoke about two meetings that were held after the victory of 17  
25 April 1975, during which the treatment that was to be meted out

1 to the former civil servants of the Lon Nol regime was confirmed.  
2 And it was said that anyone ranking from private to colonel would  
3 be spared. So, on the basis of your understanding, was this a  
4 continuous political line? Was there continuity in terms of the  
5 political line between both of these periods?

6 A. Allow me to respond to your question for clarification. That  
7 was the time when the war just ended, and I was jubilant about  
8 that. And on the issue of the situation of the people, both in  
9 the countryside and in the cities, they were happy as they  
10 believed that their principle was appropriate as it would  
11 strengthen the solidarity between the Base People and those who  
12 had just arrived from Phnom Penh and other cities. Those who were  
13 at the base were considered -- or at least had some family  
14 members working or studying in Phnom Penh, they were in Phnom  
15 Penh to study or to get employment, and after the war ended they  
16 respectively returned to their villages. And they were not to be  
17 discriminated. And the message was right after -- immediately  
18 after the war was concluded.

19 [11.25.28]

20 And as I said, the content of the message was conveyed at a  
21 meeting at Trel Mountain, as I indicated earlier. And people who  
22 were in the liberated zone participated in the movement of the  
23 Revolution. They contributed in various forms to the movement,  
24 and to the people at the battlefield. However, they also had  
25 their relatives and family members in Phnom Penh, and you cannot

1 separate flesh from blood. It was a part of an organ, and it  
2 could not be separated. And we joined forces to consolidate the  
3 forces for those of the Base People, and for those who arrived  
4 from the cities. And I was pretty content about that principle.

5 Q. Can we say that you were happy to see that the promises were  
6 met? That is to say, that what Khieu Samphan had said in his  
7 speeches, that the promises he made, were met after the war? Is  
8 that how you understood things?

9 MR. KOUMJIAN:

10 I would ask the Court to ask counsel to ask questions, and not to  
11 suggest to the witness what he can say.

12 [11.27.16]

13 MR. VERCKEN:

14 Mr. President, I don't believe that I'm suggesting anything. I'm  
15 just simply putting a question. Did he -- as he said himself that  
16 Khieu Samphan had said in his speeches the same things -- that is  
17 to say, that certain people, and that most people, that is to  
18 say, would be spared, and I'm asking him --

19 MR. PRESIDENT:

20 Defence Counsel, you may continue.

21 BY MR. VERCKEN:

22 Thank you, Mr. President.

23 Q. So, Witness, let me put the question to you again. So, the  
24 fact of being happy, was it due to the fact that you noted that  
25 -- that between -- that the promises were met. Was that the

1 source of your joy?

2 [11.28.20]

3 MR. SAO VAN:

4 A. I was happy to hear his message after the war ended. And of  
5 course, it -- the message did not convey in the form of a written  
6 text, but it was broadcast over radio.

7 Q. According to you, according to your observations when you  
8 heard these directions which were recalled after the war, did you  
9 also understand why it was necessary to recall these  
10 instructions, that is to say, the fact of sparing the former  
11 civil servants of the Lon Nol regime? Why was it necessary to  
12 remind this during the meetings that you attended? Do you have an  
13 idea about this?

14 A. My understanding is that the message was broadcast in order to  
15 unify the entire Cambodian population, regardless of their  
16 political tendency, in order to join forces to build the country.  
17 And the principle after the conclusion of the war was to form  
18 solidarity in order to build the country.

19 [11.30.23]

20 Q. So far you haven't mentioned this, but I did want to ask, Mr.  
21 Witness, if you stayed on Kampong Svay commune committee during  
22 the whole DK period, or if in fact your post was changed at some  
23 stage between 1975 and 1979?

24 A. The fact is that, after Sector 25 was integrated into the  
25 Southwest Zone, Angkar assigned me to that Sector 25 in Kien Svay

1 district in charge of Kampong Svay commune, and I was appointed  
2 as chair of that commune. And that happened in 1976. Later on I  
3 was sent to Kandal Stueng district, at Boeng Khyang commune.

4 Q. Did you remain a cadre of the regime between 1975 and 1979?

5 A. After I was assigned by Angkar to Boeng Khyang commune, Kandal  
6 Stueng district of Sector 25, I was appointed as a deputy commune  
7 chief for two to three months, then I was demoted to a member of  
8 the Party branch in Boeng Khyang commune, and that lasted until  
9 1978.

10 [11.33.05]

11 Q. But without going into the details of the different posts that  
12 you held, can you say that you remained a cadre of the regime  
13 during the entire period? Or at any stage did that change? And if  
14 not, when did the change occur?

15 A. I made my previous response without thoroughly understanding  
16 your question. Allow me to elaborate a bit further. I was  
17 reassigned to Boeng Khyang commune, Kandal Stueng district, as a  
18 deputy of that committee of the commune.

19 Q. Was there a point in time when you became a simple labourer, a  
20 simple citizen, during the course of the regime?

21 A. In 1977, through the end of 1978, I was demoted to become an  
22 ordinary member, and that is all I can say.

23 Q. Thank you. That is actually what I was seeking to discover.

24 But you, therefore, you were a cadre and you were an ordinary  
25 member citizen during the regime. And on that basis, I'd like to

1 hear what you have to say about the food difficulties that arose  
2 during that period. How can you explain the fact that it was  
3 commonly accepted that people didn't eat enough during the DK  
4 regime? Was that your impression? And how can you explain this,  
5 if that is indeed what was occurring?

6 [11.36.01]

7 A. Allow me to respond to your question. In 1976, in Kampong  
8 Svay, people were given a food ration of 20 grams of rice mixed  
9 with corn per meal. However, by 1977 -- and it lasted throughout  
10 1978 -- Kampong Svay commune had a sufficient food ration for its  
11 people, and there was sufficient food for everyone. In addition,  
12 surplus was given to Angkar, in the form of unhusked rice.

13 Q. Can we take a step back in time? I want to ask you a question  
14 about the establishment of the cooperatives. Before the 17th of  
15 April 1975 victory, as far as you are aware, what kind of  
16 cooperatives existed already in your region?

17 A. The first time the cooperative was formed in the form of a  
18 mutual assistance group, and later on it was transformed into a  
19 cooperative. And that happened in the Cheang Tong commune, where  
20 I administered. And after the conclusion of the war, a collective  
21 cooperative was formed, where we ate communally with a common  
22 dining hall and kitchen.

23 [11.38.14]

24 Q. Up to which date did the peasants who were in cooperatives  
25 also maintain private property?

1 A. They could hold onto their private properties from 1970 to  
2 1972, when they were still part of the mutual assistance groups.  
3 And in late 1972 to early 1973, and it lasted through to 1974,  
4 collective cooperatives were formed. It means that we worked  
5 collectively, but the rice produced was distributed individually.  
6 And only after the conclusion of the war, we ate commonly in the  
7 common dining hall and kitchen.

8 Q. Coming back to the question of nutrition and food during the  
9 regime, when you were a cadre --

10 MS. GUIRAUD:

11 I have an objection, Mr. President. Should I speak it out now, or  
12 when my colleague has finished his statement? I think you made  
13 the scope of questions to be put to this witness very clear under  
14 F2/5, and you explained to us what kind of questions we could ask  
15 this witness. Now, for the last five minutes we have had general  
16 questions about the food situation during the entire DK period.  
17 The colleague may put such questions under Case file 002/02, but  
18 I think the point has come where we ought to remind our learned  
19 colleague of the scope of questions in this particular context.  
20 Thank you.

21 [11.40.43]

22 MR. VERCKEN:

23 If I may answer, Mr. President? Our instructions are to talk with  
24 this witness about subjects relating to the guilt or otherwise of  
25 the Accused, and I am now referring to that part of Case 002/01



1 which says that cooperatives were established, that population  
2 movements took place, and that I think it's entirely within the  
3 scope of the trial to put such questions to a particularly  
4 well-informed witness, about the establishment of cooperatives,  
5 for example.

6 MS. GUIRAUD:

7 Mr. President, just to take my points through to their logical  
8 conclusion, I refer to Decision F2/5, in which you gave  
9 instructions to the Parties to focus on certain points of  
10 Judgement 002/01, which is why I am raising this objection. If  
11 the Chamber believes that it is pertinent to ask questions about  
12 the entire scope of Trial 002, then we will, of course, adapt on  
13 our side as well, but I really do believe that this should be  
14 made clear to the entire Chamber. Thank you.

15 [11.42.14]

16 MR. PRESIDENT:

17 Regarding the specific scope of the appeal hearing in Case 002/01  
18 Judgement, the main focus is on the policies of the CPK, and its  
19 dissemination within the context of the first and the second  
20 forced evacuation. And it seems that your question, Counsel, is  
21 far from this context. Please try to rephrase your content within  
22 the limited scope of the appeal proceedings.

23 BY MR. VERCKEN:

24 Q. Yes, Mr. President. I just point out that I hadn't actually  
25 asked my question, so you will be able to tell me if the question

1 that I have to put is within the scope or not. I was going to ask  
2 the witness the following question, which was: If between the 17  
3 of April 1975 victory and the point at which he quit his  
4 responsibilities as a cadre, did he receive any instructions from  
5 the centre of power to bring hunger to Cambodian citizens within  
6 his region?

7 [11.43.46]

8 MR. SAO VAN:

9 A. There was no such order from the Centre. There was no  
10 instruction for the cadres to starve the people. In fact, it was  
11 on the contrary. If any cadre was found to not resolve the  
12 livelihood issue of the people, then that cadre would be subject  
13 to disciplinary action.

14 Q. During the time when you were a cadre, did you have  
15 decision-making powers? For example, when the difficulty arose,  
16 did you have to report to the higher level? Or did you have some  
17 leeway in these things? In choosing the subjects on which you  
18 would report or not report?

19 A. I did not have any decision-making authority at all. I could  
20 make a request to the upper echelon, and in my position -- that  
21 is, to the district level. So, any outcome was the result of the  
22 decision by the upper levels, when they ruled on the requests we  
23 made to them.

24 [11.45.35]

25 Q. Were you at least able to not communicate things to the upper

1 level? Were there times when you decided that there was no point  
2 in informing the upper level?

3 A. In fact, I did. For some minor mistakes that happened under my  
4 cooperative or my base, I did not make that report to the upper  
5 level. For instance, when a plough head was broken, I would  
6 resolve the matter within my level, and not to report it to the  
7 district level. However, if there was sufficient lack of clothing  
8 or food at the base -- that is, for my people -- then I would  
9 present such a request to the upper level to resolve the matter.

10 Q. One last question if I may, Mr. President, and then I will be  
11 done. Thank you.

12 I'd like to ask you, Mr. Witness, if, as you progressed from '75  
13 to '79 -- you were firstly a cadre, and then a normal member of  
14 the community -- did you find, when you were a cadre, or when you  
15 were just a member of the community, did you note that there were  
16 people who were illiterate?

17 [11.47.49]

18 MR. KOUMJIAN:

19 There's just one point I would like a clarification, because my  
20 understanding perhaps of the testimony is different than counsel.  
21 Counsel has asked a couple of questions. Apparently he  
22 understands -- and I don't know how the translation came out in  
23 French -- that the witness was an ordinary member of the  
24 community. I understood him to say he was demoted to an ordinary  
25 cadre, that he lost his position but remained an ordinary Party

1 cadre. But I think it would be helpful to all of us to clarify  
2 that.

3 BY MR. VERCKEN:

4 I agree.

5 Q. Mr. Witness, could you make it clear to the Court what you  
6 mean when you say that you became an ordinary member?

7 [11.48.40]

8 MR. SAO VAN:

9 A. Allow me to clarify the issue. At that time, I was demoted to  
10 become a Party branch member -- that is, an ordinary member. And  
11 my limited authority was to receive instructions only, to receive  
12 instructions from the commune committee. I was considered a petty  
13 bourgeoisie student, since I had a school certificate. And I was  
14 categorized as a petty bourgeois. And I myself was aware of that  
15 matter. In addition, my elder brother, Sao Sum alias Chrun was a  
16 third deputy chief of Quarter 6 under the Lon Nol administration.  
17 And due to his affiliation, he was sent to be re-educated. And I  
18 was not doubtful at all about the demotion that I received,  
19 because I knew about my involvement and my personal background,  
20 and I tried to adapt myself to survive the regime.

21 MR. PRESIDENT:

22 Counsel, are you out of questions now? And if so, please let us  
23 know. And the time is also running out, and we should have a  
24 break now.

25 [11.50.46]

1 BY MR. VERCKEN:

2 One last question, Mr. President. I was asking about the status  
3 of ordinary member, and now we've heard the answer to that. I do  
4 have one more question, if I can. Thank you.

5 Q. Mr. Witness, between 1975 and 1979, did you see any cadres  
6 around you, who unlike you, because you had been to school, who  
7 were illiterate and hadn't been to school? And if such was the  
8 case, what was the influence of that particular fact on the  
9 commands that were given to these cadres, and the work they did?

10 MS. GUIRAUD:

11 Mr. President, December 1977 is the limit of the temporal scope  
12 here, so I would ask the counsel for the defence to respect the  
13 limitations of April 1977 for dossier 1.

14 [11.52.05]

15 BY MR. VERCKEN:

16 I will be only too happy to do so, madam.

17 Q. Therefore, Mr. Witness, could you please tell us, between the  
18 victory and the end of 1977, if in the different positions that  
19 you held, you noted that around you there were people who were  
20 illiterate and who hadn't been to school? And what was the  
21 influence of that particular fact on the way that they worked?  
22 Thank you.

23 MR. SAO VAN:

24 A. I had my own principle. And for other people, whether they  
25 were illiterate or not, I would not make assessment of them. And

1 I myself was literate. I could read and I could write. And if I  
2 were to ask questions or criticize those people, it means that I  
3 was poking my hands into their personal affairs. And compounded  
4 by the fact that I was considered a bourgeois, I would be putting  
5 myself in a risky situation, and I wouldn't do that.

6 [11.53.48]

7 MR. VERCKEN:

8 I think it would take too long to go into this in greater depth,  
9 and so, Mr. President and Mr. Witness, I thank you for your time.

10 MR. PRESIDENT:

11 It is now appropriate for a lunch break. We'll take a break now,  
12 and resume at 1.30 this afternoon. And security personnel, please  
13 take the Accused to the detention facility, and have them  
14 returned to attend the proceedings before 1.30 this afternoon.

15 The Court is now in recess.

16 (Court recesses from 1154H to 1327H)

17 MR. PRESIDENT:

18 Please be seated. The Court is back in session.

19 The Co-Prosecutors and civil party lawyers will have time for  
20 questioning this witness this afternoon. And the combined time  
21 for Co-Prosecutors and civil party lawyers is one hour and a  
22 half. You may now proceed.

23 MS. GUIRAUD:

24 Thank you, Mr. President. And with your leave the civil parties  
25 will start and I will give the floor to my colleague Van Pov.

1 [13.28.23]

2 MR. VAN POV:

3 Good afternoon, Mr. President, Your Honours, everybody in and  
4 around the courtroom. Good afternoon, Mr. Witness. We have heard  
5 your testimonies in the morning. You stated that harm should not  
6 be -- should not be inflicted on former soldiers and civil  
7 servants of the Lon Nol regime, and now I have a few testimonies  
8 of civil parties who come to testify -- who came to testify  
9 before this Court, to put before this witness. And Mr. President  
10 I would like to quote the statements of those civil parties and  
11 confront this witness. And I will seek a reaction from this  
12 witness. The first civil party I would like to quote now is Yos  
13 Phal. Yos Phal came to testify before the Trial Chamber to make  
14 victim impact statement during Khmer Rouge time. He was here on  
15 27 May 2013. The document is E197/1.1. I would like to inform the  
16 Chamber that this civil party was evacuated and transferred to  
17 live in one village in Kampong Cham. I would like to quote this  
18 civil party's statement.

19 [13.30.30]

20 He said at 14.26.39 timing, this civil party stated that, "Khmer  
21 Rouge asked me to make the biography but because I saw many  
22 former soldiers and civil servants were arrested and I told lies  
23 at that time." And this civil party continued to state that, "I  
24 witnessed the incident by my own eyes that people declared that  
25 they were first or second lieutenant or colonel and these people

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1 were taken away on a motorbike." And this civil party also said  
2 that he or she could witness the incident and what happened at  
3 that time. I have a question for you Mr. Witness. What do you  
4 have to say about this statement?

5 MR. KOPPE:

6 Thank you, Mr. President. I object to the question, not because  
7 the witness cannot be shown or read out a civil party statement,  
8 however this witness cannot say anything about events, in our  
9 view, outside of the district that he was working in. We have  
10 heard testimony that the witness is from District 105 in the  
11 Southwest zone; I believe I heard Kampong Cham. So, I don't think  
12 that this particular witness can say anything intelligently or  
13 from his own experience about this event as described.

14 [13.32.41]

15 MS. GUIRAUD:

16 Mr. President, if I can answer. Defence tried to show this  
17 morning that there was a policy and it had the witness testify on  
18 the existence of a policy which was geared at not targeting the  
19 servicemen of the Lon Nol regime, so we would like to confront  
20 this civil party (sic) to other statements because he testified  
21 this morning on the existence of national policy. This is why we  
22 would like to confront the witness with civil party statements,  
23 civil parties who experienced something similar in other  
24 districts than his. So I think that this way of proceeding is  
25 perfectly suited in this case. So, Mr. President, we are



1 requesting that you allow this question. Thank you.

2 [13.33.34]

3 MR. PRESIDENT:

4 Regarding this question, I would like to remind civil party  
5 lawyers that you are prohibited from asking leading questions, so  
6 your questions have to be precise, short and understandable. Leading  
7 questions are not allowed. I observed that you quoted the  
8 question and answers of one particular civil party and read to  
9 this witness, so it appears that your question is a leading one.  
10 Once again, please rephrase your question and try to avoid  
11 leading questions.

12 MS. GUIRAUD:

13 I'm going to have to request clarification, Mr. President,  
14 because we have chosen several excerpts from civil party  
15 statements in order to confront the witness with the statements  
16 of the civil parties by putting at the end a perfectly open  
17 question, which is, "What is your reaction?" So we are basing  
18 ourselves on the principle that the questions that we have  
19 planned are not leading questions, but these are questions that  
20 on the contrary that will allow the witness to tell us that he is  
21 not aware of this policy. So we would like to have, therefore,  
22 the possibility of citing excerpts from civil party statements  
23 because this is our reason for being here. Civil parties made  
24 statements. We are the representatives of these civil parties so  
25 our mission is to carry their voice here and we would like to be

1 allowed today to quote short excerpts from interviews of civil  
2 parties. If the Chamber believes that this method is not  
3 appropriate, well in this case we would like to know this  
4 immediately because in that case we are going to have of course  
5 re-adjust our examination that we had planned for this afternoon.

6 [13.35.48]

7 JUDGE KLONOWIECKA-MILART:

8 Madam, we allowed the use of civil party statements, as you know,  
9 last night indeed, but I -- so it's not the question of  
10 admissibility or not-admissibility of the record. I understand  
11 that the counsel's objection is the connection between the event  
12 which the civil party narrated and the witness's own experiences.  
13 If perhaps the counsel for the civil party could give more detail  
14 about the time and the area which the events, that you wanted to  
15 cite, had taken place, this would allow the witness and us in our  
16 inferences to make such a connection.

17 [13.36.49]

18 QUESTIONING BY MR. VEN POV:

19 Q. Thank you, Mr. President, I would like to change the topic and  
20 put other questions to this witness. I will have only two  
21 questions for this witness, and after that I will hand over the  
22 floor to the Co-Prosecutor. Mr. Witness, this morning you stated  
23 that you used to participate in the annual meeting with Ta Mok  
24 and at that time Ta Mok told everyone that lives of those who  
25 were at commune -- rather, cadres at the commune and district

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1 level did not have the right to make any decision, only zones and  
2 central -- Party Centre could make ultimate decisions on people's  
3 lives. I have a question for you. When there was a decision to  
4 kill people, did you have right to refuse that decisions as you  
5 were at commune level?

6 [13.38.15]

7 MR. KONG SAM ONN:

8 I would like to pose my objection to the question put by the  
9 civil party layer. This is a hypothetical question. It is not  
10 clear, not precise. If you want to ask such questions, you should  
11 lay out a foundation of facts before you put such a question.

12 MR. PRESIDENT:

13 You may now resume your line of questioning Counsel for civil  
14 parties.

15 BY MR. VEN POV:

16 This morning you also stated that after the liberation or victory  
17 of 17 April 1975, there was a meeting in Angkor Chey area, at  
18 Phnom Preal (phonetic). You also stated that Ta Saom told you all  
19 that all former soldiers from first and second lieutenant upwards  
20 to colonel should not be harmed. So, why there was such an  
21 instruction from Ta Saom? Was it because any particular incident  
22 happened? And after that he gave such instruction?

23 [13.39.46]

24 MR. SAO VAN:

25 A. Brother Saom did not only tell me at that time, please be

1 clear on this. He told hundreds of people at different levels in  
2 the meeting. I told already this morning that there were  
3 evacuations of people from Phnom Penh at that time, the situation  
4 was in chaos, and as I told the Court some people who were  
5 evacuated, they had their relatives, siblings living in the Base  
6 area and they supported the Revolution and the spirit. And the  
7 purpose of the front at that time was to be lenient to everyone.  
8 This is my understanding. And I could remember it because of such  
9 statement.

10 MR. VEN POV:

11 I run out of questions, Mr. President.

12 QUESTIONING BY MR. KOUMJIAN:

13 Good afternoon, Your Honours, Counsel. Good afternoon, Mr.  
14 Witness. Sir, is it correct that you loyally served the Khmer  
15 Rouge regime throughout the DK period, the period of Democratic  
16 Kampuchea?

17 [13.42.01]

18 MR. SAO VAN:

19 A. I loyally served the regime because the objectives of the  
20 regime was to defend the country, to build the country and to  
21 expand cooperatives to support people in the whole commune and  
22 country.

23 Q. And so you always did that, in all the important positions  
24 that you held such as commune chief, you were under Ta Mok's  
25 authority, you came under the areas that Ta Mok controlled? Is

1 that correct?

2 A. I would like to respond to your question. I worked for the  
3 front at that time. I did not know Ta Mok then. I knew only those  
4 at commune or district level: Yeay Khom, Ta Khiev, Ta Nhev and Ta  
5 Saom who assigned me and asked me to ask people -- ask for food  
6 supplies from people such as rice and vegetables.

7 Q. Sir, you said that you would like to respond to my question,  
8 but you did not. Can you, is it true that you always served  
9 during the period of Democratic Kampuchea -- that is, from April  
10 1975 until January 1979, under the authority of Ta Mok?

11 [13.44.02]

12 MR. KOPPE:

13 I would like to remind, Mr. President, the Prosecution to be more  
14 specific or to be more precise. Democratic Kampuchea didn't come  
15 into existence until March/April 1976. Before that there was the  
16 government of, the FUNK and the GRUNK government, so be a little  
17 more historically accurate, that's my suggestion, Mr President,  
18 to the Prosecution.

19 MR. KOUMJIAN:

20 Thank you Counsel. I'm happy to do so, Your Honour.

21 MR. KONG SAM ONN:

22 I would like to add more to the objection by my colleague. The  
23 question posed by International Co-Prosecutor is a leading one.  
24 He does not give opportunity to the witness to express his direct  
25 experience. He is reading facts to the witness so I would like to

1 make an objection to this question.

2 [13.45.06]

3 MR. PRESIDENT:

4 Counsel for Mr. Khieu Samphan, I observed that the question put  
5 by the Co-Prosecutor was not a leading one. He is focusing on the  
6 period between 1975 to 1979. So you may now resume your line of  
7 questioning Mr. Co-Prosecutor.

8 BY MR. KOUMJIAN:

9 Q. Mr. Witness, I will call the period from April 17th, 1975 to  
10 January 7th, 1979, the Khmer Rouge regime. During the Khmer Rouge  
11 regime were you always serving under Ta Mok, or did you serve  
12 under another zone leader?

13 [13.45.50]

14 MR. SAO VAN:

15 A. I would like to answer as follows. From 1976 to 1979 I worked  
16 under the Party of Democratic Kampuchea or Communist Party of  
17 Kampuchea. I could not say that I was working under the zone  
18 chief, that zone chief. I was committed to my work because I  
19 wanted to survive and when I said I was working for the Committee  
20 at that time, as you know the Committee consisted of three, four,  
21 five, six or seven members. Because I worked, as I said, I could  
22 live peacefully until now.

23 Q. Sir, I apologise for interrupting you, but we have limited  
24 time and you are not answering the question, or you've gone  
25 beyond it. This morning you had no trouble telling us that you

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1 were working in the Southwest Zone. Throughout the time that you  
2 worked, you were working, during the Khmer Rouge regime, in Ta  
3 Mok's area, whether it was when you were in Tram Kak or when you  
4 were transferred to Kandal province, to Sector 25, is that true,  
5 or isn't it? Tell us.

6 [13.47.40]

7 A. That is true.

8 Q. Thank you very much. Now Sir, at some point you've changed  
9 your name, you changed your name, is that correct?

10 A. Yes, I changed my name. The reason that I changed my name,  
11 because my mother named me Sao Van when I was born. But when my  
12 father registered me in the birth certificate, he named me as Sao  
13 Pok and when I applied to be a candidate for Sam Rainsy Party in  
14 2012, I put my name as Sao Pok and I had no identity card at that  
15 time. And later on when I went to register or make the identity  
16 card I put my name as Sao Van. I use both names because I want  
17 everybody to know me clearly.

18 Q. So did you choose the name Pok when you asked to have your  
19 name officially changed?

20 A. My current official name is Sao Van to certify my wish -- my  
21 mother's wish; she loves this name -- that is, Sao Van, that is  
22 why I choose the official name Sao Van.

23 [13.49.42]

24 Q. Sir, I'm going to move on but because time is limited, I ask  
25 you again to answer the questions that I am asking and just limit

1 yourself to that. You talked about how you survived the  
2 Democratic Kampuchea, the Khmer Rouge regime. Were you afraid  
3 during the Khmer Rouge regime?

4 A. Because I was afraid, that is why I could survive the regime.  
5 I could die in any moment. There were fire -- there were fighting  
6 everywhere, there were bombing -- bombardment everywhere. At  
7 night time American Imperialists bombarded the area and everyone  
8 was afraid.

9 Q. I'm going to have to stop you because I was asking you, the  
10 question was, the Khmer Rouge regime, which we agreed, we defined  
11 as 17 April 1975 to 7 January 1979. During that time, that's the  
12 time I'm asking you about, how did you survive? Were you afraid?

13 A. I could survive because I was afraid at that time and I lived  
14 and worked for my life at that time.

15 Q. Sir, I know you are looking straight ahead, as you should be.  
16 Behind you there's an audience, includes many young Cambodian  
17 people. Can you tell them, since you were there, an official,  
18 during the Khmer Rouge regime, did the Khmer Rouge kill people  
19 during the regime?

20 [13.51.49]

21 MR. KOPPE:

22 Could the Prosecution leave the theatrics behind, so I object to  
23 this question. Mr. President, the witness is testifying to the  
24 Supreme Court Chamber, so please again I am asking the  
25 Prosecution to leave the theatrics away.



1 MR. KONG SOM ONN:

2 I would like to add my objection. The Co-Prosecutor mentioned  
3 about the act of killings by the Khmer Rouge and here the Chamber  
4 does not indict Khmer Rouge, so it is too general what he asking  
5 now, what he is referring now -- that is, the Khmer Rouge.

6 [13.52.43]

7 MR. PRESIDENT:

8 The objection is overruled. The question put by the  
9 Co-Prosecution concerns the killing, the Co-Prosecution wants to  
10 know whether there was killing during the regime. You may now  
11 resume your line of questioning Mr. Co-Prosecutor.

12 BY MR. KOUMJIAN:

13 Q. Again, Mr. Witness, did the Khmer Rouge kill people during the  
14 regime?

15 MR. SAO VAN:

16 A. I am not able to know whether Khmer Rouge killed people, I do  
17 not really know.

18 Q. Sir, you're from Tram Kak district in Takeo province. Have you  
19 ever been to Krang Ta Chan?

20 [13.53.53]

21 A. Yes, I used to go to Krang Ta Chan. I saw graves and I saw  
22 skeletons, skulls and bones, and I recognise that there was  
23 something happened. However in the period of 1975 and 1979, I  
24 knew nothing. I knew only what I did at the commune level or at  
25 my area, and other people would know what they did in their area.

1 Q. Okay, thank you, Sir. So should the Judges understand that you  
2 don't have any information about what happened in the Khmer Rouge  
3 period except what happened in your commune.

4 A. Yes.

5 Q. Sir, in your commune don't you know anyone who lost their  
6 family members?

7 A. I did not know everything, but I did not refuse that people  
8 disappeared and they disappeared because of war, or because of  
9 fighting after 17 April 1975 some certain people disappeared, but  
10 I did not know which family lost their members. Later in 1979  
11 when the Vietnamese came into the country, people may have lost  
12 their lives. But as I stated I did not know, I have no knowledge.

13 [13.56.18]

14 Q. Thank you, sir. Just so I make sure that I understand your  
15 testimony, you know about people dying during the war up to 1975;  
16 you know about people dying, being killed after the Vietnamese  
17 came in 1979. But you, who were a Khmer Rouge leader and commune  
18 chief, you don't know anything about the Khmer Rouge killing  
19 people during the regime. Did I understand correctly?

20 MR. VERCKEN:

21 Objection, Mr. President. The Prosecutor is distorting the  
22 statements of the witness for his submission. And we cannot  
23 believe that he did not understand the witness's answer that was  
24 very clear. So therefore I object to this question as long as it  
25 doesn't correspond to the witness's statement. So the Prosecutor

1 is coming up with a false argument which doesn't exist.

2 [13.57.34]

3 JUDGE KLONOWIECKA-MILART:

4 Thank you, Mr. President. We understood that the Prosecution  
5 doesn't like summarising answers by Counsel, and we heard, at  
6 least this is how it was understood through translation, that the  
7 witness said that there were people getting killed during the  
8 bombings, that there were people who disappeared during the Khmer  
9 Rouge time and that there were people being -- disappeared and  
10 possibly killed in 1979. We do not see a particular need to  
11 summarise it in a more general statement.

12 BY MR. KOUMJIAN:

13 Thank you. Mr. Witness, you said that witnesses -- excuse me, Mr.  
14 Witness, you said that people disappeared during the Khmer Rouge  
15 time. Do you mean they disappeared forever? What do you mean by  
16 disappeared?

17 MR. SAO VAN:

18 A. Whether they disappeared forever or not, I did not know. My  
19 mere position of function at that time is that after I was  
20 removed from my position, I was the one who was defeated during  
21 the war and I had no rights to go and ask every family about the  
22 loss of their members.

23 [13.59.22]

24 Q. So again, you do have -- you have no information about anyone  
25 being killed, you never saw it, you never heard about someone

1 being killed by the Khmer Rouge during the regime. Is that right?

2 A. I stated that -- I did not say that I have never heard of, but  
3 as for the killing I have no idea, I did not go to ask anyone  
4 about the killing. I do not know, so you do not need to ask me  
5 about such a topic. I do not know.

6 Q. I'm sorry sir, but I'm going to have to ask you a bit more  
7 about this topic because it's the subject of this case. How about  
8 the cadres from Hanoi that returned? Do you know what happened to  
9 the cadres from Hanoi, the Cambodian communists that returned  
10 from Hanoi and went to the southwest? What happened to them?

11 [14.00.37]

12 A. I am happy to answer your question as I have stated earlier, I  
13 was a student and by 1970 or '71 I was about 29 years old and I  
14 got married, and when I entered the Revolution I was not aware of  
15 who were people from Hanoi and who were not, when they arrived.

16 Q. So, I just want to make sure that I understand your testimony.  
17 It's your testimony that you were never aware of cadres,  
18 Cambodians, returning from Vietnam to the Southwest Zone and then  
19 disappearing. Is that -- do I understand you correctly?

20 A. Yes, that is my statement. However, if you allow me a bit more  
21 time to try to recall what happened I might add a little bit more  
22 to what I have said. You can imagine a person of my age and try  
23 to recall what happened many, many years ago, please give me a  
24 little bit more time. At that time I saw people who were working  
25 with Ta Nhev.

1 Q. I'm sorry, go ahead.

2 A. There was one man who was called Ta Chea (phonetic) and when I  
3 asked about Ta Chea (phonetic) I was told that he returned from  
4 Hanoi. And there was another man, Ta Non (phonetic) who was --  
5 who also returned from Hanoi and he was from Trapeang Thum Tboung  
6 and the other one was from Samraong commune respectively.

7 [14.02.44]

8 Q. Were they killed by the Khmer Rouge?

9 JUDGE KLONOWIECKA-MILART:

10 Mr. Prosecutor, isn't it quarrelling with the witness? The  
11 witness said he was not aware of killings.

12 MR. KOUMJIAN:

13 I'll move on. Sir--

14 JUDGE KLONOWIECKA-MILART:

15 But if the witness could answer if he knows what happened to  
16 them, we would be curious to know.

17 [14.03.20]

18 MR. KOPPE:

19 Mr. President, may I add something to this discussion. The  
20 original question was about a period which is outside the scope  
21 of this Tribunal, it was before 75. The Prosecution can ask the  
22 questions, but it is not something that we should be dealing with  
23 because it is outside the scope.

24 BY MR. KOUMJIAN:

25 If I made that mistake I apologise, but I don't think I ever

1 asked a question about pre-1975 to this witness, I was asking  
2 about after 1975, but Okay, I'll move on. Sir, why did you join  
3 the Khmer Rouge?

4 MR. SAO VAN:

5 A. I don't actually get your question, please rephrase it.

6 MR. VERCKEN:

7 Very briefly, Mr. President, I would like to recall that the  
8 Khmer Rouge is a name that was given by King Sihanouk. It's not a  
9 title that has any real historical basis in this case, and I  
10 think the term should be used as they correspond to the period in  
11 question. So if the Prosecutor is referring to 1971, I suggest he  
12 uses the terms that apply to that period, rather than general  
13 terms.

14 [14.04.55]

15 MR. KOUMJIAN:

16 Your Honour, I am talking about the Khmer Rouge. I know that  
17 they've changed their name various times through various periods,  
18 but everybody in this courtroom knows who I am talking about when  
19 I say the Khmer Rouge. If I called them Democratic Kampuchea, a  
20 name that certainly doesn't fit, that has a certain technical  
21 meaning, or the date of the beginning and the date of the end,  
22 but Khmer Rouge is a word that everyone in this courtroom  
23 understands. At one point they called themselves the CPK, they  
24 had various names. The one that we all know and that was  
25 consistent is Khmer Rouge.

1 MR. KOPPE:

2 That is such an ahistorical proposition, Mr. President. In '71 it  
3 was called the Front, the majority of the people in the Front  
4 were not members of the CPK. Then there was a period between 75  
5 and the DK government instalment, and then there was the CPK  
6 possibly came into charge completely. Which is sort of -- it's  
7 the problem of this whole trial, to sum it all up and call it  
8 Khmer Rouge because it's convenient. That's fine that it happened  
9 in 002/01, but it's unacceptable that they keep continuing to use  
10 this generic word, Khmer Rouge.

11 [14.06.14]

12 MR PRESIDENT:

13 Mr. Co-Prosecutor, please be advised that you should focus your  
14 question for the temporal jurisdiction and the proper wording for  
15 the period, for example the Democratic Kampuchea regime. And our  
16 temporal jurisdiction here is to focus on the period between, '75  
17 to '77, and your line of questioning should limit to that scope.

18 BY MR. KOUMJIAN:

19 Sir, when you joined this movement, can you tell the Court, were  
20 -- did your joining have anything to do with the King?

21 [14.07.07]

22 MR. SAO VAN:

23 A. I joined at the time was firstly out of my love for the King  
24 who led the country. Secondly, I had no choice, in the liberated  
25 zone everyone had to join the movement in order to build the

1 country, to bring harmony to the country and the shrine of the  
2 King as the leader who reigned the country. That's our  
3 expectation. And from '71 to '75, allow me to clarify, the Khmer  
4 Rouge term was not used. The ordinary people did not understand  
5 what Khmer Rouge was and we didn't want to confuse the mind of  
6 the people so the word was not used. There was a united front at  
7 the time with the ultimate aim to liberate the country.

8 Q. At the time you joined the movement, what did you understand  
9 their position to be on religion?

10 A. On the issue of religion it is my understanding that religion  
11 means peace and it means that there is no greed involved in  
12 religion.

13 Q. I apologise, my question was not clear. Did you understand  
14 when you joined the movement -- first of all, are you a Buddhist,  
15 sir?

16 [14.09.23]

17 A. I was happy to join the movement, and yes I am a Buddhist.

18 Q. Now, when you joined the movement, did they explain to you,  
19 did you understand -- well let me step back, sir -- did the CPK,  
20 including the Democratic Kampuchea regime, ban the practice of  
21 Buddhism?

22 A. The CPK and the Democratic Kampuchea regime did not prohibit  
23 any practice of Buddhism at all.

24 Q. Did you practice Buddhism during the regime, the Khmer Rouge  
25 regime, from 1975 -- excuse me, the regime from 1975 to 1979?



1 A. From 1975 to 1979, I practiced my Buddhism in my capacity to  
2 adhere to the five principles -- that is, not to oppress people,  
3 not to involve in drinking, not to kill animals, and not to  
4 engage in gambling. So in that sense I myself adhered to the  
5 principles and the practice of Buddhism and that is my respect  
6 for the religion.

7 Q. And what happened to the pagodas in your region?

8 [14.11.26]

9 MR. VERCKEN:

10 If I may Mr. President, I let the witness answer because I didn't  
11 want to interrupt. But the point is we are completely outside the  
12 scope of process 002/01. It is true that the Prosecutor can use  
13 the time allocated to him as he wishes, but let us not lose sight  
14 of our objective today.

15 MR. KOUMJIAN:

16 I hope, Your Honours, will consider the time of the objections.

17 Mr. Witness, I'm going to have to make the point obvious for you.

18 At the time that people like you joined the front, joined the

19 movement, many of them did it, like you, is that correct, because

20 they thought it was -- they were fighting for the King, King

21 Sihanouk? And none of them, or few of them understood that

22 religion was going to be outlawed during the regime. You--

23 JUDGE KLONOWIECKA-MILART:

24 Mr. Prosecutor, you objected -- the civil party objected to

25 require witness guessing to other people's sentiments or views.

1     Could we stick to, first of all, witness own experience, and if  
2     this gives rise to generalisations or moving on to what he had  
3     reasons to believe others did or thought, then as a resultant  
4     question we'd be prone to consider it, but if you could tighten  
5     it up please.

6     [14.13.03]

7     BY MR. KOUMJIAN:

8     Sir, were you misled when you joined the CPK, the Party, about  
9     what it would eventually become?

10    MR. SAO VAN:

11    A. No, nobody led me to anywhere.

12    Q. Now Sir, you said that you did -- you survived the regime. Did  
13    you ever have an occasion to receive orders to arrest anyone?

14    A. No.

15    Q. Did you ever receive orders to have anyone killed? Not you  
16    yourself kill, but ordered to pass on an order to kill to the  
17    security?

18    A. No, and it's a definite answer.

19    Q. Now sir, when Phnom Penh was captured by the Khmer Rouge  
20    forces, were you worried at all about your family?

21    A. As a matter of view, of course I was concerned since I had an  
22    elder brother who was living in Phnom Penh.

23    [14.14.51]

24    Q. Now Sir, you told us -- excuse me, is it -- what were your  
25    parents' occupations? Were they rich people? What were they?

1 A. My father was a Buddhist clergyman and my mother was a  
2 Buddhism follower and my family members were just plain peasants.

3 Q. Did your family farm or not?

4 A. Yes, we engaged in rice farming and we did not have any  
5 particular role or position.

6 Q. Now you said that you were classified as petty bourgeoisie.  
7 Why was that?

8 A. At that time the charts for guidance was to gather the forces  
9 from the peasants, workers, students, petty bourgeoisie, and the  
10 students who were from the petty bourgeoisie class were to gather  
11 the forces in order to eliminate the reactionary, the  
12 imperialist, and that was the theory that I can recall.

13 [14.16.43]

14 Q. Now my colleague from the civil parties read to you a  
15 testimony of a civil party who talked about being forced to write  
16 biographies. Was that a common practice that you witnessed, that  
17 people were forced by the Khmer Rouge to write biographies?

18 A. It seems that you are holding an orange juice and place it  
19 before me and asking me whether the orange juice is sweet or  
20 sour, I cannot tell you that, because I cannot answer your  
21 question when I did not receive such an instruction or involve in  
22 the deed.

23 Q. So Sir, my question is that, as the commune chief and in your  
24 later position in Sector 25, did you collect biographies and  
25 report biographies to higher levels?

1 [14.18.10]

2 A. No I did not. However allow me to elaborate a little bit  
3 further. Why I was considered a petty bourgeoisie it's because of  
4 my educational background. People who were attending class from  
5 the Grade 7 upwards in the old education system would be  
6 considered petty bourgeoisie. But on the issue of collecting  
7 biographies in the commune I was presiding over, I did not; nor  
8 did I receive instructions to proceed with the gathering of  
9 information from the people in my area.

10 Q. Being considered petty bourgeoisie, did that put you at risk?

11 A. Of course, there was a risk in both the point of view and the  
12 action.

13 Q. So explain that, why were you at risk because you were  
14 educated?

15 A. The risk that I was facing at that point in time was that  
16 after the so-naming of the Democratic Kampuchea, illiterate  
17 people, here I refer to those who knew very little about reading  
18 and writing, were selected to lead and they would be the right  
19 people who would blindly follow the instructions. For example if  
20 they were to tell to go left, they would go left; if they were to  
21 tell to go right, they would go right. And as for us the petty  
22 bourgeoisie it would be rather difficult for them to lead us  
23 since we were educated.

24 [14.20.15]

25 Q. Sir, the order was that you talked about, that arrests could

1 only come from the zone level, is that correct?

2 INTERPRETER:

3 Please turn on the witness's microphone.

4 BY MR. KOUMJIAN:

5 Q. Please repeat sir, the microphone was not on.

6 MR. SAO VAN:

7 A. Allow me to respond to your question. And on the issue of  
8 making arrests, only the zone and the Central Party had such  
9 authority, and hence I refer to Ta Mok.

10 Q. And how would Ta Mok effect an arrest? Would he do it himself  
11 or would he pass orders?

12 A. I was not aware of the detailed activities of Ta Mok or any  
13 circular concerning the arrests. As I stated earlier, I minded my  
14 own business.

15 Q. Sir, did -- you got demoted, is that correct; by the Khmer  
16 Rouge?

17 A. Yes, I was demoted as I was removed from the position that I  
18 was in.

19 Q. Was that because you had a moral offence?

20 [14.23.09]

21 A. I do not refute that -- that is, in terms of moral misconduct,  
22 though I must tell you that I never had any dealings with a  
23 woman. Somehow I noticed that my authority had been reduced and  
24 it partly due to a challenge from other cadres. However, I knew  
25 personally that it's my affiliation with my elder brother who

1 stayed in Phnom Penh. These are the two points that I myself was  
2 aware that I had to adapt myself in order to survive.

3 Q. So you're saying that you were suspected just because your  
4 brother was a third assistant at a commune, even though you had  
5 served for years in the movement along with your two other  
6 siblings, is that right? The reason you were suspected was  
7 because of your brother's previous position?

8 [14.24.26]

9 A. Yes, that is correct.

10 Q. Were you accused of an affair with an officer's wife, a  
11 colonel's wife?

12 A. No.

13 Q. Does that -- you never heard anything like that, that you were  
14 accused of having an affair with a colonel's wife?

15 A. No.

16 Q. Did you ever save anyone's life during the Khmer Rouge period?

17 A. I tried to save everybody's life, but individually no. I  
18 adhered to the policy of the Party that everybody had to strive  
19 hard and that we had to compromise to consolidate so that we  
20 could survive together. But I did not do any saving of any  
21 individual's life.

22 Q. Did you ever witness a woman being taken away to be killed  
23 after having given birth?

24 A. No, I did not.

25 [14.26.21]

1 BY MR. KOUMJIAN:

2 Q. And just so--

3 MR. KOPPE:

4 Mr. President. Mr. President, when I even dared mentioning the  
5 date of a DC-Cam statement, the Prosecutor rose and said that I  
6 couldn't even make that reference. Now he's continuously asking  
7 questions to the witness clearly deriving from facts being  
8 described in a DC-Cam statement -- the moral offence, now this.  
9 It's obvious what he's doing. So if you were telling me not to  
10 ask leading questions as it comes through the DC-Cam statement, I  
11 think the same should apply to the Prosecution.

12 [14.26.58]

13 MR. KOUMJIAN:

14 Your Honour, I am not asking a leading question. I'm putting  
15 information that I certainly I have a good faith belief in, for  
16 exactly the same reason that Counsel mentions. I'm doing exactly  
17 what he did this morning when he asked about the brother, and  
18 that was from the DC-Cam statement, exactly the same source. I'm  
19 not putting the statement itself to the witness. I haven't  
20 mentioned it, only Counsel did.

21 JUDGE KLONOWIECKA-MILART:

22 Yes we are -, we disallowed the statement for formal reasons. We  
23 do not however have control of what is in the head of the Counsel  
24 and where they got it from. So we allow the question as long as  
25 it's relevant, and not leading. As to the leading, we have no

1 reasons to disagree with the Prosecution. As to the relevance, we  
2 are puzzled. Mr. Prosecutor, can you explain why is it relevant?

3 MR. KOUMJIAN:

4 Well, the fact that this witness saw a woman being taken away to  
5 be killed after giving birth who was the wife of a colonel is  
6 extremely relevant to the whole issues of targeting of enemies  
7 and the killings under the Khmer Rouge. I think the subject of  
8 this witness is--

9 JUDGE KLONOWIECKA-MILART:

10 No, the last one. I could not make the connection of that the  
11 moral offence -- the connection that you make with the moral  
12 offence. This is what happens when the document is not before us  
13 I guess.

14 [14.28.48]

15 MR. KOUMJIAN:

16 I believe the last question was about being killed; about the  
17 woman being -- whether or not she was killed. The moral offence  
18 goes with the whole reasons for the demotion. One of the issues,  
19 Your Honours, said the witnesses could be questioned about is  
20 credibility, so it goes to that.

21 JUDGE KLONOWIECKA-MILART:

22 Are there many more questions that we may have doubts about  
23 relevance?

24 MR. KOUMJIAN:

25 I don't think so.



1 JUDGE KLONOWIECKA-MILART:

2 Okay.

3 [14.29.26]

4 BY MR. KOUMJIAN:

5 Sir, just the last question, I'm just going to repeat it, just to  
6 make sure we have your answer on record. Did you ever see a  
7 woman, a colonel's wife, being taken away to be killed, or even  
8 being taken away after she had given birth?

9 [14.29.50]

10 MR. SAO VAN:

11 After I was tortured and alleged to have a sexual affair with a  
12 woman who was the wife of a colonel and when I was transferred  
13 from Sector 13 to Sector 25 her husband had been taken somewhere  
14 already. And in fact the woman was older than me, she was 30 plus  
15 and she was pregnant at the time, and here I am being frank with  
16 you and I tell you the truth. After she delivered the baby at a  
17 hospital at Kampong Svay commune, in that hospital there were two  
18 rows of beds and it was built right in the orange plantation and  
19 after I returned from the worksite I saw her resting on one side,  
20 and on the other row of beds there were patients who were Base  
21 People. In fact they were on both rows of beds and those Base  
22 People had some food to themselves except the wife, except that  
23 woman, then I blamed the medical staff why they didn't give her  
24 some orange juice from the orange trees. And that was the point,  
25 the gist of the allegation that I had an affair with her.

1 [14.31.55]

2 Three days later when I went to the worksite with one of my  
3 messengers, I had some medicine with me and I saw that woman in  
4 her house which was just right along the road and I myself did  
5 not even know her name, so I asked her whether she was just  
6 released from the hospital, and she said yes. And I said why, why  
7 so soon? And from what I looked her health was not in good  
8 condition, so I told my messenger to give her the medicine that I  
9 had and several months after they took away their trust in me. I  
10 was demoted and only later had I learned that I was in fact  
11 alleged of having an affair with her, though I only gave her the  
12 medicine. And that's the truth and that's what happened, so I  
13 think you are clear on this matter now. But I also did not see  
14 her when I was told that she died. And I have nothing to hide.  
15 And if you don't believe me you can go to Kampong Svay commune to  
16 ask people about this story and you will be happy to learn what I  
17 just told you.

18 [14.33.27]

19 Q. So before you saw her in the row of two beds, her husband the  
20 colonel had already been -- had already disappeared; is that  
21 correct?

22 A. Yes, that is correct. He had disappeared.

23 Q. When your brother -- I got a response in English, but I  
24 understand that maybe in Khmer there was no response. I'm sorry,  
25 I think some people did not hear your response. Could you repeat

1 please, sir?

2 A. I said that when I arrived, her husband had disappeared  
3 already. I did not know who brought him away.

4 Q. Sir, I want to go back to your brother. When your brother made  
5 his way home after three months and -- three months after the  
6 17th of April '75, you said your brother came back to the house  
7 in Tram Kak district; is that correct?

8 [14.35.08]

9 A. It was said that this individual went northward. He went  
10 together with other and he were not tied up. And a few months  
11 later -- three months or four months later, this individual asked  
12 the unit chief to come back and arrived in the commune. And I met  
13 that individual when arriving in the commune. And this individual  
14 did not stay in that house because this individual went to 204.  
15 And as for me, I was sent somewhere else. I think I gave a very  
16 long answer, but I have to say that.

17 Q. 204 was a prison; is that right?

18 A. We cannot say it is -- whether it is a prison. It was the  
19 place for re-education. My elder sibling and Base People went to  
20 that 204 to compact soil.

21 [14.36.53]

22 Q. It was a former pagoda; isn't that correct?

23 A. It was not a former pagoda. That place consisted of forest and  
24 trees, because many people arrived at that place and the land in  
25 that area was cleared so that we had a place for farming.

1 Actually, 204 was the place for agricultural farming.

2 Q. Sir, didn't your mother -- did anyone from your family go to

3 Khom, that's Ta Mok's daughter who was district secretary, to try

4 to help your brother get out of the prison?

5 MR. KOPPE:

6 Mr. President, I object to this leading question. When I was

7 asking this morning about Takeo provincial town, I was rebuffed

8 because it was leading. Clearly, again, the Prosecution is

9 referring to a passage from the statement in DC-Cam which we are

10 not allowed to use -- which were not allowed to use. So it's fine

11 if he wants to explore this topic but he should ask open

12 questions just the way that we were supposed to do this morning.

13 MR. PRESIDENT:

14 Mr. Co-Prosecutor, you may rephrase your question.

15 [14.38.37]

16 BY MR. KOUMJIAN:

17 Sir, did your family plead -- do anything -- did your family do

18 anything to get your brother released from 204?

19 MR. SAO VAN:

20 A. When my elder brother was put in 204, one week later I went to

21 205. No one did something on this matter. I did not refuse that

22 my mother went to visit my elder brother. She had to travel 20

23 kilometres to reach that 204. And later on, they learnt that my

24 family -- some of my family member had some connection with the

25 Revolution. He was not actually released but he could make an

1 escape in 1979.

2 [14.40.06]

3 Q. So your brother was held until 1979, in 204?

4 A. I did not say that he was detained at that place. He together  
5 with his wife and children lived in 204. He was living with other  
6 people at that place. He did not live in that place alone, there  
7 were hundreds of people living in that area. In 1979, the  
8 situation changed and he returned home. After his arrival at home  
9 in 1979, and he escaped to the mountain on the 8 and 9 January.  
10 And a few months later, he returned back to his home district.

11 Q. Did your brother ever express gratitude to you or any other  
12 member of your family for helping him?

13 MR. PRESIDENT:

14 Mr. Witness, please wait and observe the microphone to go on  
15 before you speak.

16 MR. SAO VAN:

17 A. As part of the family, we were happy that we could get  
18 together. And as for his gratitude, I cannot say anything about  
19 that.

20 [14.42.15]

21 BY MR. KOUMJIAN:

22 Sir, I'm going to move on because time is short. I want to  
23 discuss with you a few testimonies and documents. The first is a  
24 record of a witness interview. It's E3/5518, and I'm asking --  
25 going to read from question and answer 22. Sir, this is a

1 testimony of a Sao Hean who in April '75, was living in Trapeang  
2 Rumpeak village in Tram Kak commune. Do you know where that is,  
3 sir?

4 MR. SAO VAN:

5 A. Could you repeat your question, I cannot get it clearly.

6 Q. Okay. Let me read -- this is what Sao Hean who was from  
7 Trapeang Rumpeak village in Tram Kak commune, stated in 2009 to  
8 the Investigating Judge's Office. He was asked, "Immediately when  
9 those people arrived, did they make biographies or were the  
10 biographies screened?" He said, "Yes, they did. They went around  
11 researching to discover who had been teachers or soldiers or  
12 workers. Those discovered to have been soldiers or teachers were  
13 arrested and taken away, and never reappeared." Sir, that's  
14 exactly what happened to your brother, isn't it, that they  
15 researched his background and arrested; is that correct?

16 [14.44.06]

17 A. The biography of my elder brother was found out. Before he  
18 became the deputy chief of the commune, he was a worker at Ching  
19 Tang (phonetic) footwear factory. And later on, he became  
20 involved in administration-related work. The district found out  
21 about the biography. And as for the investigation against him,  
22 no, there was no investigation against him.

23 Q. I'm going to show you some documents from Tram Kak district,  
24 and this is E3/2048. The witness can be shown a copy of this. Mr.  
25 President, can the witness be given a hard copy? And I don't know

1 if it's possible to also put the Khmer on the screen? I have a  
2 copy in Khmer?

3 MR. KOPPE:

4 Mr. President, I have an objection on several levels. It seems  
5 that the Prosecution is intending to show documents to the  
6 witness of which he clearly wasn't the author, of which he  
7 clearly wasn't the recipient, of which it's clear that he cannot  
8 have possibly any connection because it is dated '77 and it's  
9 relating to a commune where he wasn't working. So in principle, I  
10 have no objection if witnesses are being shown documents.

11 However, there has to be some relation to the particular witness.  
12 He seems, was long gone from Popel in 1971. So whatever happened  
13 in Popel in 1977, he cannot possibly say anything from his own  
14 experience or anything intelligently about.

15 [14.46.23]

16 MR. KOUMJIAN:

17 Your Honour, this relates directly to the witness's testimony,  
18 the reason the Defence requested him and that is to the policy.

19 It's the very same district that the witness had worked in. It's  
20 clearly also under Ta Mok, it had been under Saom, at some period  
21 of time, and it's clearly relevant to the issues of the policy.

22 MR. KOPPE:

23 He was in Popel in '71 for one year and this is a document from  
24 '77. He had nothing to do with the district, he was gone, he was  
25 in another sector even.

1 [14.47.03]

2 JUDGE KLONOWIECKA-MILART:

3 The best would be just to test whether witness has anything to  
4 say about this document. And it will make us move faster.

5 BY MR. KOUMJIAN:

6 Sir, I've asked that you be shown the document which in Khmer, is  
7 on page 00079089; and French, 00611659. It's the first page of  
8 the document in English, 00276562. And in this, it's a report to  
9 request to make a report to beloved Tram Kak district Angkar as  
10 follows: "The enemy situation in our bases. After having received  
11 successive instructions from Angkar about being vigilant about  
12 the enemy and purging the enemy officers, we have tracked,  
13 examined, and found the following persons: Number 1, Chhit Bil, a  
14 soldier, a second lieutenant left Phnom Penh before '70 to live  
15 in Angk Saom." I'm not going to read more in the interest of  
16 time.

17 Mr. Witness, first of all, the report says to Tram Kak district  
18 Angkar. What was meant by "Tram Kak district Angkar" in your  
19 experience?

20 [14.48.44]

21 MR. VERCKEN:

22 Mr. President, I apologize but I believe we're completely outside  
23 of the scope. I support the Nuon Chea Defence's position to  
24 reject this question. So, I'd like the prosecutor to tell us what  
25 is the link between the treatment of the former servicemen and



1 the civil servants of Lon Nol and what happened in 1977, beyond  
2 the comments that were also provided by my colleague. So I  
3 believe that this question is completely outside of the scope of  
4 what we should be talking about.

5 MR. KOUMJIAN:

6 Thank you. Your Honours, the link is the Defence has raised the  
7 issue, they believe it very important, that this witness claims  
8 to remember a conversation at a meeting 40 years ago where he  
9 says that there was a statement about not seeking out officers.  
10 Here we have a contemporaneous document from the district, from  
11 the zone that he's talking about, indicating that in fact the  
12 instructions were to be vigilant and purge the enemy officers. So  
13 it's directly relevant to the testimony.

14 [14.49.53]

15 MR. VERCKEN:

16 This is two years later, Mr. President. So, I know that during  
17 this trial, the Prosecution kept on using elements, evidence that  
18 post-dates the topic that we're talking with, and then tried to  
19 backtrack and tried to demonstrate their position. But here, we  
20 see what's happening, the prosecutor wants to use documents from  
21 1977 to contradict a witness who's speaking about events that  
22 occurred in 1975. So we're completely being aside the point here.

23 MR. KOUMJIAN:

24 I will just say if the witness could talk about the policy  
25 changing, that would be interesting. We'd like to hear when it

1 changed.

2 MR. VERCKEN:

3 But he can't, because in 1977 he became an ordinary citizen and  
4 he wasn't in Popel either.

5 [14.50.57]

6 JUDGE KLONOWIECKA-MILART:

7 We ruled already that we would like to put these documents to  
8 test and we are letting the witness make his own determination  
9 whether he has anything to say about this document.

10 BY MR. KOUMJIAN:

11 Sir, let me put the question to you more directly. This document  
12 from 1977 from Popel indicates that, "after receiving  
13 instructions from Angkar about being vigilant about the enemy and  
14 purging the enemy officers, we have tracked, examined, and found  
15 the following persons." Is that correct that there was a policy  
16 or do you not know the answer? Was there a policy to track and  
17 purge enemy officers?

18 [14.51.50]

19 JUDGE KLONOWIECKA-MILART:

20 Mr. Prosecutor, I need to react because you did not allow this  
21 question asked by the Counsel for the Defence. If we might  
22 propose that the witness be asked whether he knows anything about  
23 a -- the policy to which he testified or purpose, as he put it in  
24 English translation, was changed or has any other explanation for  
25 the facts in these documents, if he has.

1 BY MR. KOUMJIAN:

2 Can you explain this document giving you a testimony, Sir. Do you  
3 have any explanation for us?

4 MR. SAO VAN:

5 A. I left Cheang Tong commune in 1977. I left Tram Kak district.  
6 As for the instructions given at that time after the 17 April  
7 1975--

8 MR. PRESIDENT:

9 Please wait, Mr. Witness, there is no translation a while ago.

10 BY MR. KOUMJIAN:

11 Sir, can you repeat, we didn't hear you.

12 [14.53.48]

13 MR. SAO VAN:

14 A. I would like to give my following answer. I was in Cheang Tong  
15 commune not in Popel commune. And in 1977, I was living in Boeng  
16 Khyang commune, Kandal Steung district. I was an ordinary person  
17 at that time. I had no idea about the document which was sent  
18 back and forth. No one could have that document except those who  
19 were involved.

20 Q. Well actually, if I -- if I understand correctly. This is from  
21 Cheang Tong commune and Moeun, did you know Moeun?

22 A. People knew me but I did not know this individual.

23 [14.55.06]

24 Q. Sir, what would happen to those who did not follow the  
25 instructions of Angkar, those who were at commune or village

1 level who refused to follow instructions in your experience?

2 MR. KOPPE:

3 What would happen, Mr. President, is not the way to ask a  
4 question. If he knows anything that happened to specific people,  
5 specific concrete examples, of course, he is entitled to give his  
6 answer. But what would happen, is asking for speculation.

7 JUDGE KLONOWIECKA-MILART:

8 Allow me, according to our notes, the witness said in regards to  
9 certain instructions received, that whoever would have disobeyed  
10 would be digging a grave for himself, whoever would disobey the  
11 instruction to spare life -- sorry, the act against the authority  
12 over life and death belonging to the upper echelon. Is this what  
13 you direct your question at or are you asking about different  
14 instructions or all instructions in general?

15 MR. KOUMJIAN:

16 That's exactly correct.

17 JUDGE KLONOWIECKA-MILART:

18 If you can ask for some specificity here, then we would be better  
19 able to react to questions and oppositions.

20 [14.56.27]

21 BY MR. KOUMJIAN:

22 Mr. Witness, you told us this morning, if my recollection is  
23 correct, that Ta Mok told you that anyone who didn't follow his  
24 instruction would suffer -- I forget the exact words. But they  
25 would be -- that they had to or they would suffer the

1 consequences; is that correct? That they would dig their own  
2 grave; is that correct?

3 MR. SAO VAN:

4 A. Yes. Ta Mok said if one did not follow the instruction, that  
5 individual had to dig their own graves. This was the statement of  
6 Ta Mok.

7 Q. Well you worked in areas under Ta Mok's authority for many  
8 years, did those below him obey his instructions or not?

9 A. I do not know about that.

10 Q. Did you ever witness or hear about someone disobeying an order  
11 or instruction from Ta Mok?

12 [14.57.58]

13 MR. KOPPE:

14 Mr. President, I object to this question because I was reading  
15 back exactly what the witness had said this morning. And he said  
16 -- he gave this example about, "you had to dig your own grave",  
17 in relation to the example of the decisions of death and life --  
18 life and death. Literally, I wrote down "The authority decide on  
19 life and death of people. Anyone who violated that principle had  
20 to dig grave for themselves." So it's not any order that would  
21 lead to digging your own grave, only if you were to decide on the  
22 death or life of someone, then you would dig your own grave. So  
23 there's an important qualification as to that instruction.

24 JUDGE KLONOWIECKA-MILART:

25 Again, we would ask for precision, Mr. Prosecutor, just to avoid

1 this dispute.

2 [14.58.50]

3 MR. KOUMJIAN:

4 I think Counsel is objecting to the previous question and not the  
5 one I just asked. The question -- the one I just asked was: sir,  
6 did you witness anyone disobey an order from Ta Mok or do you  
7 have knowledge of anyone disobeying an order from Ta Mok?

8 JUDGE KLONOWIECKA-MILART:

9 Does it mean any order, Mr. Prosecutor?

10 MR. KOUMJIAN:

11 Yes, it means any order.

12 JUDGE KLONOWIECKA-MILART:

13 Any order that came out of Ta Mok?

14 MR. KOUMJIAN:

15 Yes.

16 JUDGE KLONOWIECKA-MILART:

17 Thank you.

18 [14.59.29]

19 BY MR. KOUMJIAN:

20 I'm waiting for an answer, I don't know if the witness  
21 understands that.

22 Q. Sir, did you ever have any knowledge of anyone disobeying Ta  
23 Mok?

24 MR. KONG SAM ONN:

25 My apology, I have to interrupt. The statement by Judge Milart a

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1 while ago was not translated into Khmer.

2 MR. PRESIDENT:

3 So you may repeat what you have just said, Judge Milart.

4 [15.00.07]

5 JUDGE KLONOWIECKA-MILART:

6 At our request, Mr. Prosecutor is asking the witness -- has  
7 clarified that he's asking the witness whether he had witnessed  
8 anyone ever disobeying an order from Ta Mok, any order.

9 Perhaps, the witness cannot hear us.

10 MR. KOUMJIAN:

11 His microphone is not turned on, so it's not his fault. I don't  
12 see the mic light on. I don't know if there may be a technical  
13 issue, his light is not going on. But I'll try one more question,  
14 perhaps and we'll see. Mr. Witness--

15 JUDGE KLONOWIECKA-MILART:

16 Can the interpreters allow the witness to answer at certain  
17 point, please, because his microphone is not turned on. So, he  
18 cannot answer, neither to Mr. Prosecutor, or to our question.

19 MR. SAO VAN:

20 I could not get the question a while ago, so could you repeat it.

21 [15.01.42]

22 BY MR. KOUMJIAN:

23 Sir, because of the interest of time, I'm going to move on to  
24 show you the next telegram on that or the next message in that  
25 record E3/2048. This is a report of confirmation request to

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1 inform respected district Angkar. The ERNs is - it is the same as  
2 I gave before, the same ERNs. So this report it says, "Report of  
3 confirmation. The Kampuchean Krom people and the people Yuon  
4 exchanged to us make up 64 families totalling 228 persons. Point  
5 2: The 106 military families smashed by Angkar including those  
6 who died totalled 393 persons." So first, Mr. Witness, can you --  
7 I want to ask you about the word "smashed" in that context. Based  
8 upon all of your experience in you positions, when it says, "106  
9 military families smashed by Angkar including those who died  
10 totalled 393", what does "smashed" mean?

11 [15.03.19]

12 MR. KOPPE:

13 Mr. President, this is a legitimate question if he's the author  
14 of the document, if he's the recipient of the document, if he had  
15 a leading function at the time in that district. But just to  
16 present him a document which has no relevance whatsoever in  
17 relation to this witness and then ask what the word "smash" in  
18 this particular document means is totally out of -- it should be  
19 not allowed, Mr. President.

20 MR. KOUMJIAN:

21 I would just suggest that if the documents weren't highly  
22 relevant, the Defence wouldn't be making so many objections. This  
23 is about -- it goes directly of the policy of killing Lon Nol  
24 soldiers and officers.

25 MR. VERCKEN:



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1 We are talking about May '77, so this is actually outside the  
2 temporal scope. Thank you.

3 MR. PRESIDENT:

4 From my observation is that the document was presented by the  
5 Co-Prosecutor and the question is put to the witness to clarify  
6 the word "smashed", and this question is allowed by the Chamber.

7 MR. SAO VAN:

8 A. Allow me to respond to this question. I do not have any  
9 involvement in the number of people that you quoted. As for the  
10 definition for the word "smashed", if it is up to me, it's broken  
11 or destroyed, and if it refers to a human being, it means killed  
12 or died.

13 [15.05.30]

14 BY MR. KOUMJIAN:

15 Thank you. Now, there's something else about this document I'd  
16 like to discuss with you. It's talking about military families  
17 not officers, not soldiers but families. You talked about having  
18 problems yourself because of your brother's position. Did people  
19 who were related to those who had fought in the Lon Nol army have  
20 problems during the DK period?

21 [15.06.03]

22 MR. SAO VAN:

23 A. The policy of the Democratic Kampuchea regime at the time was  
24 nothing to that effect, although we were instructed to be  
25 vigilant of the people evacuated from Phnom Penh. Of course, it

1 was common that there were good people and bad people and if one  
2 was found to be bad, then the person needed to be re-educated.  
3 And that applied for every person regardless of their personal  
4 background or whether they were members or family members of  
5 military personnel or officers. However, I cannot say about those  
6 people who implemented the policy, I cannot tell you about their  
7 activities. But personally, I could only speak from my  
8 experience. We would only re-educate those who made a mistake,  
9 for instance.

10 Q. But I don't think you answered the question. Is the mere fact  
11 that someone had a relative who was a soldier, does that mean  
12 that they made a mistake and that they would be treated  
13 differently?

14 A. Yes, if they acted out of line or they didn't participate in  
15 the activities of the cooperative or they opposed the activities  
16 of the mass, then they would be re-educated as part of the  
17 programme.

18 Q. Now, is it correct that the Party had a different view of Lon  
19 Nol foot-soldiers, privates and corporals, from officers? They  
20 were treated and viewed differently; is that correct?

21 [15.08.31]

22 A. I think I already responded to this kind of question since my  
23 testimony this morning. As I said, no distinction was made. And  
24 my later answer was that we would only act upon the activities by  
25 the people.

1 Q. Did you say this morning or did you remember Angkar saying Ta  
2 Mok or any of the leaders talking about soldiers being poor  
3 people?

4 A. This morning, I did not say that soldiers were bad people at  
5 all.

6 MR. PRESIDENT:

7 Mr. Co-Prosecutor, how much time do you need? The Chamber has  
8 been informed that by the AV unit that they need to change a DVD  
9 disc and we need probably five minutes' break for them to do so.

10 MR. KOUMJIAN:

11 Thank you. I would say 30 minutes.

12 (Short pause)

13 [15.10.23]

14 MR. KOPPE:

15 We have actually been clocking the objections. It's 14 minutes  
16 lost because of the objections. 1-4.

17 MR. KOUMJIAN:

18 Actually, so have we. We have 22 objections and it's -- 24  
19 minutes and 27 seconds.

20 (Judges deliberate)

21 [15.11.16]

22 MR. PRESIDENT:

23 Based on the result of our deliberation, we notice there are  
24 several objections. For that reason, additional time might be  
25 granted to the Co-Prosecutor. And may we suggest that only 15

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1 more minutes is given to you. So please try to limit your  
2 questions to this time allowed and only ask relevant questions.

3 MR. KOUMJIAN:

4 Thank you. Am I proceeding now or was there a break to change the  
5 tape? I'm confused.

6 [15.12.04]

7 MR. PRESIDENT:

8 You may proceed, Co-Prosecutor.

9 BY MR. KOUMJIAN:

10 There's one more instruction on 2048 -- excuse me, E3/2048 and  
11 that appears in Khmer, on page 0007909; on English, the third  
12 page; and on French, 00611661. And it reads: "Respected Angkar,  
13 request to make a proposal to Angkar as follows: We in the Ta  
14 Phem cooperative base branch have examined and purged the enemies  
15 who held ranks, after having received the instructions of the  
16 Party."

17 Q. Mr. Witness, would you understand rank to mean officer, based  
18 upon what was discussed during the study sessions that you  
19 attended, from second lieutenant up or first lieutenant up?

20 [15.13.36]

21 MR. SAO VAN:

22 A. The word "rank", to my understanding although I am really  
23 unclear on the definition and I have never sought clarification  
24 from any expert on the term, so I won't confuse you by giving any  
25 unclear answer. Thank you.

1 Q. I'll read to you one more witness record interview, E3/5498,  
2 in Khmer it's, 00368601; in French, 00416524; and in English,  
3 00384400. This witness, Bun Thein, was asked if there were any  
4 arrests -- excuse me, "Was any arrest of the 17 April People to  
5 be executed?" And the answer was; "First of all, people were  
6 asked about their personal working experiences. They were  
7 informed that they would go back and do the same job. People with  
8 working experience came to meet at the commune. The commune  
9 secretary was in charge. After collecting all those people, the  
10 commune secretary reported to the upper echelon. Then the upper  
11 echelon sent a truck to take them away. Those who came to pick  
12 the people were military officials ranking from major  
13 lieutenants." And then it goes on to say that the people's hands  
14 were not tied. And he said -- he was asked: "Were entire families  
15 taken?" Answer: "No. Only the ranked people were taken." "How  
16 many were taken away?" Answer: "I did not know the exact number  
17 but it was as many as a truck could carry. I at that time did not  
18 know that they were brought to be killed. I thought they were  
19 brought to work at what they had been told. I banned a student  
20 name Sem, in 1979, he was a trained policeman, from getting on  
21 the truck because the upper echelon ordered to take only soldiers  
22 with rank. That was at least equivalent of a major lieutenant."  
23 He was asked: "Did you see those who had been taken away ever  
24 return?" He said: "I never saw them return, they disappeared  
25 forever. At that time, I was doubtful, they must have been taken

1 to be killed at Angkor Chey." "Do you know that there was a  
2 prison at Angkor Chey?" And he answered: "The only prison I knew  
3 was that at Ta Mom office."

4 Q. Sir, do you know about a prison at Ta Mom office which was  
5 very near the mountain that you talked about this morning,  
6 attending a meeting at? Phnom Treng (phonetic) mountain.

7 [15.16.37]

8 A. Allow me to respond to your question. The quotation you made  
9 was from a document which I did not have at my commune at the  
10 time. So I don't want to give you any unclear answer. For that  
11 reason, I decline to respond to this question, although I might  
12 add that if there was any killing site in District 106 which is  
13 currently Angkor Chey, it's out of my knowledge and it's beyond  
14 my understanding. And as I said, my authority was limited to  
15 administering the people in my commune, only my commune. And as  
16 for Treng (phonetic) mountain meeting, I only attended the  
17 meeting once there after the conclusion of the war. And Ta Saom  
18 called everyone, that is every cadre from various districts  
19 including Angkor Chey, that is 106, 107, to attend the meeting.  
20 And that is my response.

21 [15.18.12]

22 Q. And you said that at that meeting soldiers, Lon Nol soldiers  
23 or officer were invited. This meeting where you said, the  
24 statement was made that the ranked officers, lieutenants to  
25 colonels would be not armed. The soldiers were there, they were

1 told to come to that meeting; isn't that correct?

2 A. What you said in terms of the theory and the policy, that is  
3 correct. But I believe it is also dependent on the implementers  
4 and I cannot say on their behalf. For my part, I only knew what  
5 happened in my commune and what I did with the people in my  
6 commune. If they make minor mistakes, it would be my authority to  
7 educate them within my level and not to pass such information to  
8 the upper level.

9 [15.19.10]

10 Q. Thank you, sir. But that's not my question. We're getting  
11 close to the end but what you said is interesting. You don't know  
12 about the implementation. I understand that. You don't know what  
13 happened to these people. But you do know, you told us this  
14 morning, isn't it correct, that soldiers and officers were  
15 invited to that meeting to identify and come there, to gather  
16 there; isn't that correct?

17 MR. KOPPE:

18 Mr. President, I'm not quite sure if I'm following. It seems that  
19 the Prosecution is mixing things up. The witness spoke about a  
20 meeting at the mountain side in which CPK cadres were invited,  
21 military from the CPK, not Lon Nol officers or military. I don't  
22 think that was ever suggested or said by this witness.

23 [15.20.20]

24 MR. PRESIDENT:

25 Mr. Co-Prosecutor, please try to re-organize your question.

1 BY MR. KOUMJIAN:

2 Your Honours, just for your information, I recall and this is my  
3 recollection that word used was translated was "soldiers" and  
4 this is a very important point that I think it might be worth  
5 taking a moment to make. Sir, in Khmer the word for soldier, "tea  
6 hean", when someone says soldier at that time during the Khmer  
7 Rouge period, it was referring to Lon Nol because when they were  
8 talking about military for the Khmer Rouge, he would call them  
9 "toap" or "yothea"; is that correct?

10 MR. SAO VAN:

11 A. Allow me to respond. For the meeting at Treng (phonetic)  
12 mountain, only soldiers on the Khmer Rouge side or the Khmer  
13 Rouge soldiers were invited to attend. And that was for a wider  
14 dissemination of their message so that they would be happy to  
15 receive such news, since they might have relatives lived in Phnom  
16 Penh and who might return to their respective villages.

17 [15.21.43]

18 Q. So at the meeting, there was an attempt to encourage the  
19 soldiers -- the officers to come forward and identify themselves;  
20 is that right?

21 JUDGE KLONOWIECKA-MILART:

22 Witness did not say this, Mr. Prosecutor. He said the Khmer Rouge  
23 soldiers were present. Inferences we can make from what the  
24 witness said but he did not say that there was an encouragement  
25 policy, not according to my notes.



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1 BY MR .KOU MJIAN:

2 Sir, the documents that I showed you and the witness statements  
3 have talked about a -- the implementation of searching for,  
4 arresting, and purging soldiers or officers. Do you have any  
5 knowledge about whether that policy was implemented, whether in  
6 fact that policy of -- that was the policy of Ta Mok and the  
7 upper echelon or not, or you don't know?

8 [15.23.14]

9 MR. SAO VAN:

10 A. I don't fully get your question. However, I believe my  
11 response so far is more than sufficient for you to make any  
12 inference.

13 Q. Sir did you ever have occasion to see the Khmer Rouge use a  
14 tactic to deceive people by asking them to identify themselves,  
15 saying things like they would be brought to see the King, that  
16 they would be brought back to their old jobs, they would be taken  
17 for further training in order to have people identify themselves  
18 who then would be arrested? Did you ever witness that tactic?

19 [15.24.05]

20 A. No, I did not receive any instruction nor seen such tactics  
21 employed. I can add that the policies of the DK was limited to  
22 the chains of command, for example, the authority at the  
23 provincial level was more senior and different than that of the  
24 district level. But we never received such tactics or order. And  
25 we all adhered to the principle of confidentiality and everybody

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1 kept their mouth shut because we were afraid that if our secrecy  
2 was revealed, then there might be chaos at a certain place. And  
3 allow me to stress again, such tactics or instructions were never  
4 relayed to me or to my commune. And I hope everyone is clear on  
5 that.

6 MR. KOUMJIAN:

7 Your Honour, how much time do I have left? I just want to know  
8 whether to begin a new subject or--

9 MR. PRESIDENT:

10 You have three more minutes, Co-Prosecutor.

11 BY MR. KOUMJIAN:

12 In that case, Mr. Witness, I'm down to my last question or two.

13 Sir, you said you've been to Krang Ta Chan and you've seen the  
14 skulls. There are also, sir, are list of people who disappeared  
15 from Krang Ta Chan from S-21. Many of them have ranks from the  
16 Lon Nol era. Do you have any explanation of why they were killed?

17 [15.26.26]

18 MR. SAO VAN:

19 A. From 1971 to '75, I never went to Krang Ta Chan area and  
20 between '76 to '77, I was not in that area as well. And only  
21 during the 80s or the 90s, I returned when there was a ritual  
22 ceremony where monks were invited to sermon. And I attended the  
23 ceremony and I saw skeleton remains and skulls of those who died.  
24 And that is my response to your question.

25 Q. Sir, what was to happen, according to you, this policy that

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1 you said you heard Saom and Mok mention, what was to happen to  
2 generals, to the many generals of the Lon Nol regime?

3 A. I didn't follow the event fully, so I cannot give you any  
4 conclusion which I am unsure of.

5 Q. When you heard Khieu Samphan on the radio talking about Long  
6 Boret and Sirik Matak and other seven individuals that were  
7 targeted, that -- was that before or after the fall of Phnom Penh  
8 on 17 April 1975?

9 [15.28.28]

10 A. During the time, the radio was scarce and the broadcast was  
11 before the entire country was liberated. We heard about the peace  
12 negotiation--

13 Q. You've answered my question and because my time is short I  
14 just want to cut you off, I'm sorry. So in that radio broadcast  
15 before the end of the fighting, was Khieu Samphan encouraging  
16 soldiers to defect those who were other than the seven  
17 individuals named to come over to the Khmer Rouge and to the  
18 King's side at that time?

19 A. From what I heard, Khieu Samphan's broadcast was played before  
20 the liberation and soldiers were urged on by Ta Mok to attack and  
21 take control of Phnom Penh. A mass meeting was held at the  
22 provincial level at Ou Saray and it was held in the forest at  
23 night time, Ta Mok urged the soldiers to urge on and fight and  
24 attack Phnom Penh to seize control. And Khieu Samphan's speech  
25 was made prior to that.

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1 [15.29.55]

2 Q. Thank you. You didn't answer my question but I'm going to move  
3 on to one last one because of time. Did you hear Khieu Samphan,  
4 what words he used to describe Lon Nol soldiers? Did you hear --  
5 ever hear for example, the word "mercenaries"?

6 A. Allow me to respond to your question. At that time, Khieu  
7 Samphan did not mention anything about mercenaries. His message  
8 was his appeal to everyone, to all walks of life including  
9 ordinary people or patients, students, intellectuals throughout  
10 the country to join the liberation front of Kampuchea, and the  
11 front will pardon everyone except the seven individuals namely,  
12 Lon Nol, Sirik Matak, Son Ngoc Thanh etc. And they would be  
13 prosecuted and not everyone else. And that's what I heard while I  
14 was working at the dam worksite.

15 Q. So Mr. Witness, if the policy was to pardon soldiers and  
16 officers, is that consistent with the taking of biographies and  
17 getting people to identify their biographies and ranks? Was there  
18 any need if everyone was pardoned to take biographies and  
19 identify who was a former Lon Nol soldier or officer?

20 [15.32.21]

21 MR. KOPPE:

22 Mr. President, I object to this question. It's a false  
23 contradiction because everybody was instructed to give his or her  
24 biography including CPK cadres, everybody. So there is no  
25 contradiction in the sense that only former Lon Nol officials

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1 were to give their biographies. Everybody had to do that.

2 MR. PRESIDENT:

3 Mr. Co-Prosecutor, you went beyond the time allowed. How many  
4 more question do you have or you have run out of question now?

5 [15.32.58]

6 MR. KOUMJIAN:

7 Your Honour, on this topic I can finish. Certainly, there's more  
8 to talk to this witness about but I've finished more or less with  
9 this topic, and this is a point I could stop.

10 MR. PRESIDENT:

11 The Chamber would like to take a 20-minute break and it will  
12 resume after that time -- after the short break.

13 (Court recesses from 1533H to 1601H)

14 MR. PRESIDENT:

15 Please be seated. The Court is back in session.

16 Now, I will hand over the floor to Judge Mong Monichariya, to put  
17 question to this witness.

18 QUESTIONING BY JUDGE MONG MONICHARIYA:

19 Thank you very much, Mr. President, and the Bench. I know you  
20 have been tired since the morning, but please be patient, we are  
21 going to end very soon. I have listened attentively to your  
22 testimonies since the morning, but there are some points which I  
23 need to seek you clarification. You stated that you attended and  
24 participated in meetings and the word enemy was used in the  
25 Democratic Kampuchea. What do you understand from this word and

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1 what kind of people were considered enemy?

2 [16.03.02]

3 MR. SAO VAN:

4 A. I would like to give my response concerning the word "enemy".

5 As far as I am concerned, the word enemy was generally term that

6 -- and it was referred to those who were against the Revolution.

7 And the word enemy was never used during the meeting that I

8 attended. And as you stated, if a worker in the ploughing unit

9 broke the materials, he or she would be considered an enemy

10 because he or she was accused of breaking a material and

11 destroying agricultural production. This is one example. And

12 another example concerns the individual who were working and fell

13 sick. If they fell sick and did not go to work in time, this

14 people could also be considered enemies. So the word enemy were

15 term and used to alert and to intimidate people at that time and

16 I was afraid of being accused of an enemy as well.

17 Q. I would like to ask for your elaboration on the word enemy. I

18 am now referring to the former soldier in Lon Nol regime. The

19 soldier who were living in your commune, were they considered

20 enemy or they were considered enemy only if they were acting in

21 the region -- in your commune?

22 [16.05.40]

23 A. At my commune, I did not consider these people enemies. I

24 noted that they were children of Base People. And I alerted and

25 advised to my colleagues that although they were former civil

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1 servant or soldier in the former regime, they were ordinary  
2 citizen. But if these people committed a riot or any action  
3 against us, they would be considered enemies.

4 Q. You stated about two meetings, one you state that there was an  
5 education meeting or there was a conference, and perhaps, there  
6 may have been confusion in the two words you used. You stated  
7 that you attended education meetings and conferences perhaps  
8 before the 17 April 1975. I would like to seek your confirmation  
9 whether you attended those meeting before 17 April 1975 or after  
10 that time.

11 [16.07.30]

12 MR. PRESIDENT:

13 Mr. Witness, please wait for the microphone to go on before you  
14 speak.

15 MR. SAO VAN:

16 A. The word conference and training sessions or study sessions, I  
17 use this term. In the period of 1971, the word conference and  
18 study sessions were generally used. And usually, in these  
19 meeting, were held to educate people about agricultural  
20 production and the meeting was also held to announce the  
21 liberation of some certain areas such as in Takeo province and in  
22 other zones. There were study sessions held as well in the period  
23 of 1971 and there were documents concerning National United  
24 Front. And in this meeting, mutual farming was also discussed.

25 BY JUDGE MONG MONICHARIYA:

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1 Mr. Witness, please listen carefully to my question. I would like  
2 to ask you about the time that the meetings were held. I would  
3 like to know whether those study sessions and conferences taking  
4 place after 1975 - after 17 April 1975 or before that time.

5 [16.09.37]

6 MR. SAO VAN:

7 A. Concerning the summary conferences, they were held before 1975  
8 and these conferences were held annually in the forest. And as  
9 for study sessions after 1975, I observed that there were study  
10 sessions -- one morning study session at Phnom Treng (phonetic)  
11 to disseminate policy on education regarding people in the city  
12 and Base People in regions.

13 Q. I would like to summarise what you have just stated. You  
14 recalled that you attended the two meetings, once in Takeo and  
15 another one at Treng (phonetic) mountain. From my understanding,  
16 there were other meetings as well from the periods of 1971 and  
17 1975 and I am not sure which meetings you are referring to. I  
18 understand that you attended one study session at Treng  
19 (phonetic) mountain after 1975. And you also stated that you  
20 attended another meeting before 1975. When was it exactly?

21 [16.11.24]

22 A. The meeting held in Takeo province was after 1975.

23 INTERPRETER:

24 Microphone is not activated.

25 JUDGE MONG MONICHARIYA:



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1 Q. From your statement, there was a meeting which Ta Mok  
2 participated and in that meeting, Ta Mok did not address the  
3 meeting but Saom did. And Saom advised that former soldier of Lon  
4 Nol should not be harmed. And after you heard the statement --  
5 such statement made by Ta Saom, what was the reaction of Ta Mok  
6 at that time?

7 A. Ta Saom addressed the meeting at that time and there was no  
8 reaction from Ta Mok because the policy at that time was the low  
9 respect the higher upper echelon. So I believe that the  
10 instruction was also from Ta Mok -- that is, the zone leader.

11 [16.13.14]

12 Q. I have another question to put to you. You stated this morning  
13 as well concerning the ultimate decision on life and death issues  
14 and you stated that only the Party Centre could make ultimate  
15 decision on lives of people, and the commune and district level  
16 did not hold such rights. So could you please explain on that?

17 Mr. Witness, you are reminded to observe the microphone before  
18 you speak.

19 MR. SAO VAN:

20 A. Before I made the report to the district level, we had a  
21 consensus within the commune level. And as I stated, in one  
22 commune committee, there were three, four, or five members. And  
23 after the committee discuss the matter among the secretary and  
24 members about certain action happening at the commune, and we  
25 discuss what action should we do and what kind of content should

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1 we put in the report. And after the discussion, we would only  
2 report on what we have agreed. This is the working approach. This  
3 was the working approach among my committee at that time.

4 JUDGE MONG MONICHARIYA:

5 Thank you very much.

6 MR. PRESIDENT:

7 Now, I would like to hand over the floor to Judge Milart to put  
8 question to this witness. You may now proceed.

9 [16.15.35]

10 QUESTIONING BY JUDGE KLONOWIECKA-MILART:

11 Thank you, Mr. President.

12 Q. Mr. Witness, can I please refer one more time to this meeting  
13 at Takeo. Could you possibly recall how long after the liberation  
14 was that meeting held?

15 MR. SAO VAN:

16 A. It was five days after and the meeting was pretty large, as  
17 cadres from various provinces including Takeo, Kampot, and  
18 Kampong Speu and Sector 25 attended the meeting.

19 Q. Precisely five days; do I hear correctly?

20 A. I think I recall it clearly now. It was five days not three  
21 days.

22 Q. How would you explain the necessity of this order that was  
23 issued at this meeting or announced at this meeting about sparing  
24 the soldiers?

25 [16.18.00]

1 A. During the five-day study session, in fact the study sessions  
2 were only for three days and then we would do self-criticism for  
3 two days. The first day was about the economics and the second  
4 day was about solidarity within the Party. By that time, the word  
5 "Party" was used. And the third day was about strengthening the  
6 cooperatives at the bases. And the remaining two days were for us  
7 to reflect ourselves during these so-called criticism and  
8 self-criticism meetings. Every one of us would take the floor and  
9 questions or comments or criticism would be made. And that  
10 applies to every participant. Thank you.

11 Q. But the representation that was made in this meeting,  
12 according to your testimony today and earlier, that the Lon Nol  
13 soldiers from colonel down were not to be harmed, was this  
14 necessitated by any event that happened before this meeting? Or  
15 why do you -- how would you explain there was a reason for this  
16 statement, for this directive?

17 [16.19.44]

18 A. Allow me to respond. First, the meeting was held at Treng  
19 (phonetic) mountains, that is after 17 April 1975, meaning after  
20 the entire country had been liberated. And secondly, I have  
21 already reiterated my point on the content of the meeting. We  
22 were instructed to collect forces -- to build forces because in  
23 each commune it was unavoidable that people at the base had  
24 relatives living in the cities. So they want the Base People and  
25 the New People to be at ease with one another when those people

1 were sent from the cities back to the respective villages.  
2 Because, although they lived in the cities, their parents, their  
3 members of the families contributed to the movement of the  
4 Revolution by sacrificing their time, their property, their  
5 cattle, for instance.

6 Q. I understand the overall ideology that you convey. But was  
7 there any practical necessity to issue such order? Was there a  
8 threat of people getting killed that prompted this order? Or was  
9 there a question asked by the collective who participated in this  
10 meeting? We are just wondering what prompted the issuance of this  
11 directive or order.

12 [16.21.46]

13 A. I didn't know the details of the matter or their policies.  
14 However, I can speak about my Cheang Tong commune. Those people  
15 who had ranks or lower ranks, or corporal or private who lived in  
16 my commune, they were not harmed. But I cannot say about them  
17 living in other communes.

18 Q. I would like to ask the question that was asked but was not  
19 answered, whether that order was followed in your commune, this  
20 is how we are to understand it?

21 A. Allow me to respond. In my commune, we educated the people and  
22 that is in theory. But the actual implementation was  
23 non-existence regarding those former soldiers or civil servants,  
24 and that's what happened on the ground in my commune.

25 Q. Implementation was not what? Excuse me, I'm asking the

1 translation.

2 A. I refer to the implementation of the policies that the former  
3 policemen or soldiers were to be sent.

4 [16.24.08]

5 Q. Was this order or directive ever formally rescinded, revoked,  
6 or disobeyed?

7 A. On the issue of the instruction and I refer to the villages in  
8 my commune, we carried out the instruction but I cannot tell you  
9 to what extent the instruction had been implemented. However,  
10 allow me to elaborate a little bit further. At one point in time,  
11 I attended a meeting at the district and Ta Nhev said that we at  
12 the base, if we saw soldiers coming to make their own station in  
13 our commune or their barrack in our commune, then we should not  
14 interfere and we should allow them to do so. This did not happen  
15 in my commune. I did not see soldiers coming to camp in my  
16 commune at all.

17 Q. Going back to my question maybe just part of it, did this --  
18 has this order ever been changed?

19 A. No, there was no change to the standing instruction. However,  
20 allow me to add that in late '77 and early '78, there was an  
21 instruction from the upper level where the secretary of the  
22 commune received, and by that time I was demoted from my position  
23 and to become an ordinary member. So I was not aware of the  
24 details or the content of that instruction received by the  
25 secretary.

1 [16.26.42]

2 Q. And in general sketch, what would this instruction would have  
3 been about? You were not aware of details, but from what you  
4 know, what was it about?

5 A. It is my understanding that the instruction was to gather all  
6 kinds of forces available in order to form just one unity to live  
7 as one nation. Ta Mok said we had to increase our production and  
8 to defend our country.

9 Q. Was this considered a change from the policy of not touching  
10 the former Lon Nol soldiers?

11 A. From what I saw at Krang Ta Chan and at Tuol Sleng, I made a  
12 conclusion that there was a change. And it's because of those who  
13 died that led to a shift in the instruction.

14 JUDGE KLONOWIECKA-MILART:

15 Thank you.

16 [16.29.13]

17 MR. PRESIDENT:

18 Mr. Witness, I'd like to seek a minor clarification from you. You  
19 just stated that the meeting after the liberation was at Treng  
20 (phonetic) mountain and another one was held at Takeo province.  
21 Was the one held at Takeo convened long after the country had  
22 been liberated?

23 MR. SAO VORN:

24 A. Your Honour, the meeting held at Treng (phonetic) mountain was  
25 about two months after the entire country had been liberated. As

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1 for the meeting held in Takeo, it was in late 1976. It was around  
2 December 1976. Thank you, Your Honour.

3 MR. PRESIDENT:

4 We don't have any more question for you, Mr. Witness, and we are  
5 grateful for your time to testify before us. And you may now be  
6 excused from the courtroom.

7 The Chamber would like to inform the Parties and everyone else  
8 that we adjourn the proceedings today and resume tomorrow in  
9 order to hear testimony of SCW-3, commencing from 9 o'clock in  
10 the morning.

11 Security personnel, you are instructed to take the Accused back  
12 to the detention facility and have them return to the courtroom  
13 before the commencement of the proceedings.

14 The hearing is now adjourned.

15 (Court adjourns at 1631H)

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